



Luann G. Welmer, Clerk-Treasurer

**CITY COUNCIL MEETING
CITY HALL
TUESDAY, AUGUST 21, 2012
6:00 O'CLOCK P.M.**

I. Meeting Called to Order

- A. Opening Prayer
- B. Pledge of Allegiance
- C. Roll Call
- D. Acceptance of Minutes

II. Unfinished Business Requiring Council Action

- A. Second Reading of an Ordinance entitled "ORDINANCE NO._____, 2012, AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA, TO REPEAL CHAPTER 8.36 OF THE COLUMBUS CITY CODE, SMOKING REGULATIONS." Kelly Benjamin.
- B1) Public Hearing and Second Reading of an Ordinance entitled "ORDINANCE NO._____, 2012, AN ORDINANCE OF THE CITY OF COLUMBUS COMMON COUNCIL, AUTHORIZING THE ISSUANCE OF COUNTY ECONOMIC DEVELOPMENT INCOME TAX REVENUE BONDS." Jim Lienhoop.
- B2) Bond Exchange Agreement by and between City of Columbus, Indiana and First Financial Bank, National Association, as bondholder of the 2010 Bonds and purchaser of the 2012 Bonds. (City of Columbus Economic Development Income Tax Revenue Bonds, Series 2012). Jim Lienhoop.

III. New Business Requiring Council Action

- A. First Reading of an Ordinance entitled "ORDINANCE NO._____, 2012, AN ORDINANCE AUTHORIZING THE RECEIPT BY THE CITY OF COLUMBUS OF ADDITIONAL STATE REVOLVING LOAN FUND (SRF) ASSISTANCE IN THE FORM OF A FORGIVABLE LOAN FOR THE PROJECT AUTHORIZED BY ORDINANCE NO. 17, 2009, RELATED TO THE CITY'S SEWAGE WORKS AND OTHER RELATED MATTERS." Keith Reeves.

- B. First Reading of an Ordinance entitled "ORDINANCE NO. _____, 2012, AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF COLUMBUS, INDIANA, REZONING THE SUBJECT PROPERTY FROM "RE" (RESIDENTIAL: ESTABLISHED) TO "P" (PUBLIC/SEMI-PUBLIC FACILITIES)." (Columbus Free Methodist Church Rezoning). Jeff Bergman.
- C. Reading of a Resolution entitled "RESOLUTION NO. _____, 2012, A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA AUTHORIZING THE INTERLOCAL AGREEMENT BETWEEN THE CITIES OF LAWRENCEBURG AND COLUMBUS REGARDING THE CITY OF LAWRENCEBURG ECONOMIC DEVELOPMENT GRANT." Jeff Bergman.

IV. Other Business

- A. Standing Committee and Liaison Reports
- B. Discussion Items:
- Arts District Designation
 - 2013 Budget – Jeff Logston
 - Restrictive Smoking Ban Options
- C. Next regular meeting is scheduled for Tuesday, **September 4, 2012 at 6:00 o'clock P.M. in City Hall.**
- D. Adjournment.

FIRST READING: August 7, 2012
SECOND READING: _____

ORDINANCE NO. _____, 2012

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA,
TO REPEAL CHAPTER 8.36 OF THE COLUMBUS CITY CODE, SMOKING REGULATIONS**

WHEREAS, Indiana Code 36-1-3 et. seq. confers upon units of government within the State of Indiana such powers as necessary or desirable to conduct the affairs of local government; and

WHEREAS, Indiana Code 36-4-6-18 authorizes the Common Council of the City of Columbus, Indiana to pass such ordinances, orders, resolutions and motions as may be necessary and proper for the governmental unit to fulfill and satisfy the responsibilities and duties of said governmental unit; and

WHEREAS, the City adopted Chapter 8.36 of the Columbus City Code, regulating smoking within the City, prior to the State enacting any type of smoking regulation ban; and

WHEREAS, on July 1, 2012, Indiana Code 7.1-5-12, Prohibition on Smoking, was enacted providing state regulations and prohibitions on smoking in Public Places and Places of Employment; and

WHEREAS, Indiana Code 7.1-5-12 is overall stricter in prohibitions on smoking than Chapter 8.36 of the City Ordinance and such stricter prohibitions will supersede the City Ordinance; and

WHEREAS, it is the desire of the Common Council to avoid confusion for the citizens between the State Code and the City Ordinance, and to recognize the stricter and mandatory prohibitions of the State Code; and

WHEREAS, it is the desire of the Common Council to repeal the Prohibition on Smoking Ordinance under Chapter 8.36 of the Columbus City Code and comply with and adhere to Indiana Code 7.1-5-12, Prohibition on Smoking, as required by the state law.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA, AS FOLLOWS:

Section I. Chapter 8, Article 36 of the Columbus City Code, Smoking Regulations, is hereby repealed.

Section II. All prior ordinances or parts thereof inconsistent with any provision of this Ordinance are hereby repealed.

Section III. The repeal of the Smoking Regulation Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

ADOPTED BY THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA, on this the ____ day of August, 2012, by a vote of ____ ayes and ____ nays.

Kristen Brown, Mayor
Presiding Officer of the Common Council

ATTEST:

Clerk of the Common Council of Columbus, Indiana
Luann Welmer

Presented by me to the Mayor of Columbus, Indiana, this ____ day of August, 2012 at ____ o'clock ____m.

Luann Welmer
Clerk-Treasurer

Approved and signed by me this ____ day of August, 2012 at ____ o'clock ____m.

Kristen Brown
Mayor of the City of Columbus, Indiana

ORDINANCE NO. _____

**ORDINANCE OF THE CITY OF COLUMBUS COMMON COUNCIL AUTHORIZING
THE ISSUANCE OF COUNTY ECONOMIC DEVELOPMENT INCOME TAX
REVENUE BONDS**

WHEREAS, the Common Council (the "Common Council") of the City of Columbus, Indiana (the "City"), has considered the issuance of bonds to pay all or a portion of the costs of the projects described in Exhibit A hereto (collectively, the "Project"), to fund a debt service reserve fund for the bonds, and to pay related and incidental expenses to be incurred in connection therewith and on account of the issuance of the bonds; and

WHEREAS, it would be of public utility and benefit and in the best interests of the City and its citizens to pay the costs of the Project and incidental expenses in connection therewith and on account of the issuance of bonds therefor, such bonds to be issued as negotiable bonds of the City; and

WHEREAS, the Common Council deems it advisable to issue the bonds authorized by this Ordinance as "City of Columbus, Indiana Economic Development Income Tax Revenue Bonds, Series 2012" (the "2012 Bonds") in one or more series in an original aggregate principal amount not to exceed Seven Million Eight Hundred Forty-Five Thousand Dollars (\$7,845,000) (the "Authorized Amount") for the purpose of providing for the payment or reimbursement of all or any portion of the costs of the Project, including any preliminary expenses related thereto and all incidental expenses incurred in connection therewith, funding a debt service reserve fund for the bonds, and the costs of selling and issuing the 2012 Bonds; and

WHEREAS, the original principal amount of the 2012 Bonds, together with the outstanding principal amount of previously issued bonds which constitute a debt of the City, on the date of issuance of the 2012 Bonds will be no more two percent (2%) of one-third (1/3) of the total net assessed valuation of the City; and

WHEREAS, the amount of proceeds of the 2012 Bonds allocated to pay costs of the Project, together with estimated investment earnings thereon, does not exceed the cost of the Project as estimated by the Common Council; and

WHEREAS, a notice of a public hearing on the appropriation of the proceeds of the 2012 Bonds has been duly given by publication as required by law, and the hearing on such appropriation has been held, at which all taxpayers of the City had an opportunity to appear and express their views as to such appropriation; and

WHEREAS, the Common Council now finds that all conditions precedent to the adoption of an ordinance authorizing the issuance of the 2012 Bonds have been complied with in accordance with Indiana Code §6-3.5-7-14, and other applicable provisions of the Indiana Code (collectively, the "Act").

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMON COUNCIL
OF CITY OF COLUMBUS, INDIANA AS FOLLOWS:**

SECTION 1. Authorization for Bonds and Appropriation of Proceeds. In order to provide financing for the Project, funding a debt service reserve fund for the 2012 Bonds, and incidental expenses in connection therewith and on account of the issuance of the 2012 Bonds, the City shall borrow money and issue the 2012 Bonds as herein authorized. An appropriation in the amount not to exceed the Authorized Amount, together with all investment earnings thereon, shall be made to pay for the governmental purposes to be financed by the 2012 Bonds, and the funds to meet said appropriation shall be provided out of the proceeds of the 2012 Bonds in the original principal amount of not to exceed the Authorized Amount and such investment earnings. Said appropriation shall be in addition to all other appropriations provided for in the existing budget and tax levy.

SECTION 2. General Terms of Bonds. In order to procure said loan for such purposes, the Clerk-Treasurer is hereby authorized and directed to have prepared and to issue and sell negotiable bonds of the City, in one or more series, in an aggregate principal amount not to exceed the Authorized Amount, to be designated "City of Columbus, Indiana Economic Development Income Tax Revenue Bonds, Series 2012" for the purpose of providing financing for the Project and incidental expenses, such expenses to include without limitation all expenses of every kind incurred preliminarily to the funding of the Project, funding a debt service reserve fund for the 2012 Bonds, and costs of issuing the 2012 Bonds. Such 2012 Bonds shall be signed in the name of the City by the manual or facsimile signature of the Mayor of the City (the "Mayor") and attested by the manual or facsimile signature of the Clerk-Treasurer of the City (the "Clerk-Treasurer"), who shall affix the seal of the City to each of the 2012 Bonds manually or shall have the seal imprinted or impressed thereon by facsimile or other means. In case any officer whose signature or facsimile signature appears on the 2012 Bonds shall cease to be such officer before the delivery of the 2012 Bonds, such signature shall nevertheless be valid and sufficient for all purposes as if such officer had remained in office until delivery thereof. The 2012 Bonds shall also be authenticated by the manual signature of the Registrar (as hereafter defined). Subject to the provisions of this Ordinance regarding the registration of the 2012 Bonds, the 2012 Bonds shall be fully negotiable instruments under the laws of the State of Indiana.

The 2012 Bonds are, as to all the principal thereof and interest due thereon, special revenue obligations of the City, payable solely from the City's distributive share of the county economic development income tax revenues imposed and collected in Bartholomew County pursuant to IC 6-3.5-7-1, *et. seq.*, (the "EDIT Revenues"). The Common Council hereby pledges the EDIT Revenues to the 2012 Bonds pursuant to Indiana Code §6-3.5-7-14, and this pledge shall be binding from the time this Ordinance is adopted. The EDIT Revenues received by the City are immediately subject to the lien of this pledge without any further act. The City may pay the 2012 Bonds or the premium, if any, or the interest thereon from any revenue source legally available to the City, but shall not be obligated to pay the 2012 Bonds or the premium, if any, or the interest thereon except from the EDIT Revenues deposited into the Sinking Fund as defined below.

The 2012 Bonds shall be issued in denominations of Five Thousand Dollars (\$5,000) or any integral multiple thereof, shall be numbered consecutively from 1 upward, and shall be originally dated as of the first day of the month in which the 2012 Bonds are sold or the date of issuance as determined by the Clerk-Treasurer at the time of sale. The 2012 Bonds shall bear

interest payable semi-annually on January 15 and July 15 of each year, beginning on the January 15 or July 15 determined by the Clerk-Treasurer at the time of sale, at a rate equal to four and fifteen hundredths percent (4.15%) per annum. Interest shall be calculated on the basis of a 360-day year comprised of twelve 30-day months. The 2012 Bonds shall mature serially on January 15 and/or July 15 as finally determined by the Mayor and the Clerk-Treasurer as evidenced by delivery of the executed initial issue of the 2012 Bonds to the Registrar for authentication, provided that the original aggregate principal amount of all series of the 2012 Bonds does not exceed the Authorized Amount and that the final maturity shall be no later than January 15, 2026.

All payments of interest on the 2012 Bonds shall be paid by check mailed one business day prior to the interest payment date to the registered owners thereof as of the first (1st) day of the month in which interest is payable at the addresses as they appear on the registration books kept by the Registrar (the "Registration Record") or at such other address as is provided to the Paying Agent (as hereafter defined) in writing by such registered owner. Each registered owner of \$1,000,000 or more in principal amount of 2012 Bonds shall be entitled to receive interest payments by wire transfer by providing written wire instructions to the Paying Agent before the record date for any payment. All principal payments on the 2012 Bonds shall be made upon surrender thereof at the principal corporate trust office of the Paying Agent in any coin or currency of the United States of America which on the date of such payment shall be legal tender for the payment of public and private debts, or in the case of a registered owner of \$1,000,000 or more in principal amount of 2012 Bonds, by wire transfer on the due date upon written direction of such owner provided at least fifteen (15) days prior to the maturity date.

Interest on 2012 Bonds shall be payable from the interest payment date to which interest has been paid next preceding the authentication date thereof unless such 2012 Bonds are authenticated after the first (1st) day of the month in which interest is payable and on or before such interest payment date in which case they shall bear interest from such interest payment date, or unless authenticated on or before the first (1st) day of the month of the first interest payment date, in which case they shall bear interest from the original date, until the principal shall be fully paid.

Each 2012 Bond shall be transferable or exchangeable only upon the books of the City kept for that purpose by the Registrar, by the registered owner thereof in person, or by his attorney duly authorized in writing, upon surrender of such 2012 Bond together with a written instrument of transfer or exchange satisfactory to the Registrar duly executed by the registered owner or his attorney duly authorized in writing, and thereupon a new fully registered 2012 Bond or Bonds in the same aggregate principal amount, and of the same maturity, shall be executed and delivered in the name of the transferee or transferees or the registered owner, as the case may be, in exchange therefor. The costs of such transfer or exchange shall be borne by the City, except for any tax or governmental charge required to be paid in connection therewith, which shall be payable by the person requesting such transfer or exchange. The City, the Registrar and the Paying Agent may treat and consider the persons in whose names such 2012 Bonds are registered as the absolute owners thereof for all purposes including for the purpose of receiving payment of, or on account of, the principal thereof and interest due thereon.

In the event any 2012 Bond is mutilated, lost, stolen or destroyed, the City may execute and the Registrar may authenticate a new bond of like date, maturity and denomination as that mutilated, lost, stolen or destroyed, which new bond shall be marked in a manner to distinguish it from the bond for which it was issued, provided that, in the case of any mutilated bond, such mutilated bond shall first be surrendered to the Registrar, and in the case of any lost, stolen or destroyed bond there shall be first furnished to the Registrar evidence of such loss, theft or destruction satisfactory to the City and the Registrar, together with indemnity satisfactory to them. In the event any such bond shall have matured, instead of issuing a duplicate bond, the City and the Registrar may, upon receiving indemnity satisfactory to them, pay the same without surrender thereof. The City and the Registrar may charge the owner of such 2012 Bond with their reasonable fees and expenses in this connection. Any bond issued pursuant to this paragraph shall be deemed an original, substitute contractual obligation of the City, whether or not the lost, stolen or destroyed 2012 Bond shall be found at any time, and shall be entitled to all the benefits of this Ordinance, equally and proportionately with any and all other 2012 Bonds issued hereunder.

SECTION 3. Terms of Redemption. The Mayor and the Clerk-Treasurer, upon consultation with the City's financial advisor, may designate maturities of 2012 Bonds (or portion thereof in integral multiples of \$5,000 principal amount each) that shall be subject to optional redemption and/or mandatory sinking fund redemption, and the corresponding redemption dates, amounts and prices (including premium, if any). Except as otherwise set forth in this Ordinance, the Mayor and the Clerk-Treasurer, upon consultation with the City's financial advisor, are hereby authorized and directed to determine the terms governing any such redemption.

Notice of redemption shall be mailed by first-class mail or by registered or certified mail to the address of each registered owner of a 2012 Bond to be redeemed as shown on the Registration Record not more than sixty (60) days and not less than ten (10) days prior to the date fixed for redemption except to the extent such redemption notice is waived by owners of 2012 Bonds redeemed, provided, however, that failure to give such notice by mailing, or any defect therein, with respect to any 2012 Bond shall not affect the validity of any proceedings for the redemption of any other 2012 Bonds. The notice shall specify the date and place of redemption, the redemption price and the CUSIP numbers (if any) of the 2012 Bonds called for redemption. The place of redemption may be determined by the City. Interest on the 2012 Bonds so called for redemption shall cease on the redemption date fixed in such notice if sufficient funds are available at the place of redemption to pay the redemption price on the date so named, and thereafter, such 2012 Bonds shall no longer be protected by this ordinance and shall not be deemed to be outstanding hereunder, and the holders thereof shall have the right only to receive the redemption price.

All 2012 Bonds which have been redeemed shall be canceled and shall not be reissued; provided, however, that one or more new registered bonds shall be issued for the unredeemed portion of any 2012 Bond without charge to the holder thereof. No later than the date fixed for redemption, funds shall be deposited with the Paying Agent or another paying agent to pay, and such agent is hereby authorized and directed to apply such funds to the payment of, the 2012 Bonds or portions thereof called for redemption, including accrued interest thereon to the redemption date. No payment shall be made upon any 2012 Bond or portion thereof called for

redemption until such 2012 Bond shall have been delivered for payment or cancellation or the Registrar shall have received the items required by this Ordinance with respect to any mutilated, lost, stolen or destroyed 2012 Bond.

SECTION 4. Appointment of Registrar and Paying Agent. The Clerk-Treasurer is hereby authorized to serve as, or to appoint a qualified financial institution to serve as, registrar and paying agent for the 2012 Bonds (the "Registrar" or "Paying Agent"). The Registrar is hereby charged with the responsibility of authenticating the 2012 Bonds, and shall keep and maintain at its principal corporate trust office books for the registration and transfer of the 2012 Bonds. The Clerk-Treasurer is hereby authorized to enter into such agreements or understandings with such institution as will enable the institution to perform the services required of the Registrar and Paying Agent. The Clerk-Treasurer is authorized to pay such fees as the institution may charge for the services it provides as Registrar and Paying Agent.

The Registrar and the Paying Agent may at any time resign as Registrar and Paying Agent by giving 30-days' written notice to the Clerk-Treasurer and to each registered owner of the 2012 Bonds then outstanding, and such resignation will take effect at the end of such 30 days or upon the earlier appointment of a successor Registrar and Paying Agent by the City. Such notice to the Clerk-Treasurer may be served personally or be sent by first-class or registered mail. The Registrar and Paying Agent may be removed at any time as the Registrar and the Paying Agent by the City, in which event the City may appoint a successor Registrar and Paying Agent. The City shall notify each registered owner of the Bonds then outstanding of the removal of the Registrar and the Paying Agent. Notices to registered owners of the Bonds shall be deemed to be given when mailed by first-class mail to the addresses of such registered owners as they appear on the Registration Record. Any predecessor Registrar and Paying Agent shall deliver all the Bonds, cash and investments in its possession and the Registration Record to the successor Registrar and Paying Agent. At all times, the same entity shall serve as the Registrar and the Paying Agent.

SECTION 5. Form of Bonds. (a) The form and tenor of the 2012 Bonds shall be substantially as follows, all blanks to be filled in properly and all necessary additions and deletions to be made prior to delivery thereof:

R-__

UNITED STATES OF AMERICA

STATE OF INDIANA

COUNTY OF BARTHOLOMEW

CITY OF COLUMBUS, INDIANA ECONOMIC DEVELOPMENT
INCOME TAX REVENUE BOND, SERIES 2012

Interest
Rate

Maturity
Date

Original
Date

Authentication
Date

REGISTERED OWNER:

PRINCIPAL SUM:

DOLLARS (\$_____)

The City of Columbus, Indiana (the "City"), for value received, hereby promises to pay to the Registered Owner set forth above, solely from the special revenue fund hereinafter referred to, the Principal Sum set forth above on the Maturity Date set forth above, and to pay interest thereon until the Principal Sum shall be fully paid, at the Interest Rate per annum specified above from the interest payment date to which interest has been paid next preceding the Authentication Date of this bond unless this bond is authenticated after the first day of the month in which interest is payable and on or before such interest payment date in which case it shall bear interest from such interest payment date, or unless this bond is authenticated on or before [January/July] 1, 201_, in which case it shall bear interest from the Original Date, which interest is payable semi-annually on each January 15 and July 15 of each year, beginning on [January/July] 1, 201_. Interest shall be calculated on the basis of a 360-day year comprised of twelve 30-day months.

The principal of this bond is payable at _____ (the "Registrar" or "Paying Agent"), in _____, Indiana. All payments of interest on this bond shall be paid by check mailed one business day prior to the interest payment date to the registered owner hereof as of the first day of the month in which interest is payable at the address as it appears on the registration books kept by the Registrar or at such other address as is provided to the Paying Agent in writing by the Registered Owner, provided that each registered owner of \$1,000,000 or more in principal amount of bonds shall be entitled to receive interest payments by wire transfer by providing written wire instructions to the Paying Agent before the record date for any payment. All payments of principal of and premium, if any, on this bond shall be made upon surrender thereof at the principal corporate trust office of the Paying Agent in any coin or currency of the United States of America which on the dates of such payment shall be legal tender for the payment of public and private debts, or in the case of a Registered Owner of \$1,000,000 or more in principal amount of bonds, by wire transfer on the due date upon written direction of such owner provided at least fifteen (15) days prior to the maturity date.

This bond is one of an authorized issue of negotiable special revenue bonds of the City, of like original date, tenor and effect, except as to denomination, numbering, interest rates, and dates of maturity, in the total amount of _____ Dollars (\$_____), numbered consecutively from 1 upward, issued for the purpose of providing funds to pay for costs of the projects described in Exhibit A to the Ordinance (defined herein) and incidental expenses related thereto, to fund a debt service reserve for the bonds, and to pay the costs of the issuance of bonds therefor, as authorized by Ordinance No. _____ adopted by the City Common Council of the City on the ____ day of

_____, 2012, entitled "ORDINANCE OF THE CITY OF COLUMBUS COMMON COUNCIL AUTHORIZING ISSUANCE OF COUNTY ECONOMIC DEVELOPMENT INCOME TAX REVENUE BONDS" (the "Ordinance"), and in accordance with Indiana Code § 6-3.5-7-14 and other applicable provisions of the Indiana Code, as amended (collectively, the "Act"). The owner of this bond, by the acceptance hereof, agrees to all the terms and provisions contained in the Ordinance and the Act.

The City irrevocably pledges its distributive share of the county economic development income tax revenues imposed and collected in Bartholomew County pursuant to Indiana Code 6-3.5-7-1, *et. seq.* (the "EDIT Revenues") deposited into the Sinking Fund referred to in the Ordinance, to the extent necessary for that purpose, to the prompt payment of principal of and interest on the bonds authorized by the Ordinance, of which this bond is one, and any bonds hereafter issued on a parity therewith.

PURSUANT TO THE PROVISIONS OF THE ACT AND THE ORDINANCE, THE PRINCIPAL OF THIS BOND AND ALL OTHER BONDS OF SAID ISSUE AND THE INTEREST DUE THEREON ARE PAYABLE SOLELY FROM THE SINKING FUND REFERRED TO IN THE ORDINANCE TO BE PROVIDED FROM THE EDIT REVENUES. THE CITY SHALL NOT BE OBLIGATED TO PAY THIS BOND OR THE INTEREST HEREON EXCEPT FROM THE SINKING FUND.

[INSERT REDEMPTION TERMS]

This bond is subject to defeasance prior to payment as provided in the Ordinance.

If this bond shall not be presented for payment on the date fixed therefor, the City may deposit in trust with the Paying Agent or another paying agent, an amount sufficient to pay such bond, and thereafter the Registered Owner shall look only to the funds so deposited in trust for payment and the City shall have no further obligation or liability in respect thereto.

This bond is transferable or exchangeable only upon the books of the City kept for that purpose at the office of the Registrar by the Registered Owner in person, or by his attorney duly authorized in writing, upon surrender of this bond together with a written instrument of transfer or exchange satisfactory to the Registrar duly executed by the Registered Owner or his attorney duly authorized in writing, and thereupon a new fully registered bond or bonds in the same aggregate principal amount, and of the same maturity, shall be executed and delivered in the name of the transferee or transferees or the Registered Owner, as the case may be, in exchange therefor. The City, any registrar and any paying agent for this bond may treat and consider the person in whose name this bond is registered as the absolute owner hereof for all purposes including for the purpose

of receiving payment of, or on account of, the principal hereof and interest due hereon.

The bonds maturing in any one year are issuable only in fully registered form in the denomination of \$5,000 or any integral multiple thereof.

It is hereby certified and recited that all acts, conditions and things required to be done precedent to and in the execution, issuance and delivery of this bond have been done and performed in regular and due form as provided by law.

This bond shall not be valid or become obligatory for any purpose until the certificate of authentication hereon shall have been executed by an authorized representative of the Registrar.

IN WITNESS WHEREOF, the Mayor of the City of Columbus, Indiana, has caused this bond to be executed in its corporate name by the manual or facsimile signatures of its duly elected, qualified and acting Mayor, its corporate seal to be hereunto affixed, imprinted or impressed by any means and attested manually or by facsimile by the Clerk-Treasurer of City of Columbus.

CITY OF COLUMBUS, INDIANA

By: _____
Mayor

(SEAL)

ATTEST:

Clerk-Treasurer

It is hereby certified that this bond is one of the bonds described in the within-mentioned Ordinance.

_____, as Registrar

By: _____
Authorized Representative

(b) The 2012 Bonds may, in compliance with all applicable laws, initially be issued and held in book-entry form on the books of the central depository system, The Depository Trust

Company, its successors or any successor central depository system appointed by the City from time to time (the "Clearing Agency"), without physical distribution of 2012 Bonds to the purchasers. The following provisions of this Section apply in such event.

(1) One definitive Bond of each maturity shall be delivered to the Clearing Agency (or its agent) and held in its custody. The City, the Registrar and the Paying Agent may, in connection therewith, do or perform or cause to be done or performed any acts or things not adverse to the rights of the holders of the 2012 Bonds as are necessary or appropriate to accomplish or recognize such book-entry form bonds.

(2) During any time that the 2012 Bonds remain and are held in book-entry form on the books of a Clearing Agency: (A) any such 2012 Bond may be registered upon the books kept by the Registrar in the name of such Clearing Agency or any nominee thereof, including Cede & Co., as partnership nominee of The Depository Trust Company; (B) except as otherwise described in the continuing disclosure contract described in Section 6 hereof, the Clearing Agency in whose name such Bond is so registered shall be, and the City, the Registrar and the Paying Agent may deem and treat such Clearing Agency as, the absolute owner and holder of such Bond for all purposes of this Ordinance, including, without limitation, the receiving of payment of the principal of and interest on such Bond, the receiving of notice and the giving of consent; (C) except as otherwise described in the Continuing Disclosure Agreement described in Section 6 hereof, neither the City nor the Registrar or the Paying Agent shall have any responsibility or obligation hereunder to any direct or indirect participant, within the meaning of Section 17A of the Securities Exchange Act of 1934, as amended, of such Clearing Agency or any person on behalf of which, or otherwise with respect to which, any such participant holds any interest in any 2012 Bond, including, without limitation, any responsibility or obligation hereunder to maintain accurate records of any interest in any 2012 Bond or any responsibility or obligation hereunder with respect to the receiving of payment of principal of or interest or premium, if any, on any 2012 Bond, the receiving of notice or the giving of consent; and (D) the Clearing Agency is not required to present any 2012 Bond called for partial redemption prior to receiving payment, so long as the Registrar, the Paying Agent and the Clearing Agency have agreed to the method for noting such partial redemption.

(3) If either the City receives notice from the Clearing Agency which is currently the registered owner of the 2012 Bonds to the effect that such Clearing Agency is unable or unwilling to discharge its responsibility as a Clearing Agency for the 2012 Bonds or the City elects to discontinue its use of such Clearing Agency as a Clearing Agency for the 2012 Bonds, then the City, the Registrar and the Paying Agent each shall do or perform or cause to be done or performed all acts or things, not adverse to the rights of the holders of the 2012 Bonds, as are necessary or appropriate to discontinue the use of such Clearing Agency as a Clearing Agency for the 2012 Bonds and to transfer the ownership of each of the 2012 Bonds to such person or persons, including any other Clearing Agency, as the holders of the 2012 Bonds may direct in accordance with this Ordinance. Any expenses of such discontinuance and transfer, including expenses of printing new certificates to evidence the 2012 Bonds, shall be paid by the City.

(4) During any time that the 2012 Bonds are held in book-entry form on the books of a Clearing Agency, the Registrar shall be entitled to request and rely upon a certificate or other written representation from the Clearing Agency or any participant or indirect

participant with respect to the identity of any beneficial owner of the 2012 Bonds as of a record date selected by the Registrar. For purposes of determining whether the consent, advice, direction or demand of a registered owner of a Bond has been obtained, the Registrar shall be entitled to treat the beneficial owners of the 2012 Bonds as the 2012 Bondholders, and any consent, request, direction, approval, objection or other instrument of such beneficial owner may be obtained in the fashion described in this Ordinance.

(5) During any time that the 2012 Bonds are held in book-entry form on the books of a Clearing Agency, the Mayor, the Clerk-Treasurer and/or the Registrar are authorized to execute and deliver a Letter of Representations agreement with the Clearing Agency or a Blanket Issuer Letter of Representations (the "DTC Letter of Representations"), and the provisions of any such DTC Letter of Representations or any successor agreement shall control on the matters set forth therein. The Registrar, by accepting the duties of the Registrar under this Ordinance, agrees that it will (A) undertake the duties of agent required thereby and that those duties to be undertaken by either the agent or the issuer shall be the responsibility of the Registrar, and (B) comply with all requirements of the Clearing Agency, including, without limitation, same day funds settlement payment procedures. Further, during any time that the 2012 Bonds are held in book-entry form, the provisions of this Section shall control over conflicting provisions in any other section hereof.

SECTION 6. Sale of Bonds. The Mayor and Clerk-Treasurer shall negotiate the sale of the 2012 Bonds on such terms as they deem desirable as evidenced by their execution and delivery of the 2012 Bonds at a price not less than ninety-nine percent (99.0%) of the par value thereof; provided all such terms shall comply with the terms of this Ordinance. Such officers are authorized to negotiate and execute a bond purchase agreement with a purchaser selected by such officers. After the 2012 Bonds have been properly sold and executed, the Clerk-Treasurer shall receive from the purchaser payment for the 2012 Bonds and shall provide for delivery of the 2012 Bonds to the purchaser. The Clerk-Treasurer is hereby authorized and directed to obtain legal opinion as to the validity of the 2012 Bonds from Barnes & Thornburg LLP, and to furnish such opinion to the purchaser of the 2012 Bonds. The cost of such opinion may be paid out of the proceeds of the 2012 Bonds.

The Mayor and/or Clerk-Treasurer are hereby authorized to deem final an official statement with respect to the 2012 Bonds, as of its date, in accordance with the provisions of Rule 15c2-12 of the U.S. Securities and Exchange Commission as amended (the "SEC Rule"), subject to completion as permitted by the SEC Rule, and the Common Council further authorizes the distribution of the deemed final official statement, and the execution, delivery and distribution of such document as further modified and amended with the approval of the Mayor and/or Clerk-Treasurer in the form of a final official statement.

In order to assist any underwriter of the 2012 Bonds in complying with paragraph (b)(5) of the SEC Rule by undertaking to make available disclosure about the City and the Bonds to participants in the municipal securities market, the Common Council hereby covenants, agrees and undertakes, in accordance with the SEC Rule, unless excluded from the applicability of the SEC Rule or otherwise exempted from paragraph (b)(5) of the SEC Rule, that it will comply with and carry out all of the provisions of the continuing disclosure contract. "Continuing disclosure contract" shall mean that certain continuing disclosure contract executed by the City

and dated the date of issuance of the 2012 Bonds, as originally executed and as it may be amended from time to time in accordance with the terms thereof. The execution and delivery by the Mayor and the Clerk-Treasurer of the continuing disclosure contract and the performance by the City of its obligations thereunder by or through any employee or agent of the City are hereby approved, and the City shall comply with and carry out the terms thereof.

SECTION 7. Funds and Accounts.

(a) Sinking Fund. The EDIT Revenues received by the City shall be used and applied by the City only as provided in this Ordinance. All such revenues shall be segregated and kept in special accounts separate and apart from all other funds of the City and shall be used and applied as set forth in this Ordinance. There is hereby created and established a fund known as the "City of Columbus 2012 Economic Development Income Tax Revenue Bond Sinking Fund" (the "Sinking Fund"). As they are received, the City shall set apart and pay all of the EDIT Revenues into the Sinking Fund to be used to pay the interest on and the principal of the 2012 Bonds; provided, however, that no deposit shall be made into such account whenever the balance therein is sufficient to pay the interest and principal payments on the 2012 Bonds and any Parity Obligations coming due in the succeeding twelve (12) months.

(b) Debt Service Reserve Fund. At the time of the sale of the Bonds, the Mayor and/or the Clerk-Treasurer, with the advice of the City's financial advisor, may determine to establish a debt service reserve fund for the 2012 Bonds (the "Reserve Fund"), which shall be funded in an amount determined by the financial advisor to be required to adequately secure the Bonds (the "Debt Service Reserve Requirement"). If at any time the Reserve Fund contains an amount less than the Debt Service Reserve Requirement, then after making the required deposits to the Sinking Fund under subsection (a), EDIT Revenues shall next be used to restore the deficiency in the Reserve Fund. All money in the Reserve Fund shall be used and withdrawn by the City solely for the purpose of making deposits into the Sinking Fund, in the event of any deficiency at any time in such fund, or for the purpose of paying the interest on or principal of or redemption premiums, if any, on the 2012 Bonds in the event that no other money is lawfully available therefor. Any amount in the Reserve Fund in excess of the Debt Service Reserve Requirement shall be withdrawn from the Reserve Fund and deposited in the Sinking Fund. Money in the Reserve Fund shall also be available to make the final payments of interest and principal on the 2012 Bonds.

(c) Excess Fund. There is hereby created and established a fund known as the "City of Columbus 2012 Economic Development Income Tax Revenue Excess Fund" (the "Excess Fund"). The EDIT Revenues remaining after making the required deposits to the Sinking Fund and Reserve Fund as described above shall be deemed excess funds and shall be deposited in the Excess Fund for appropriation and use as permitted by law. In the event of any deficiency at any time in the Sinking Fund, funds may be withdrawn from the Excess Fund and deposited into the Sinking Fund in the amount of such deficiency.

(d) Separate Funds and Accounts. All funds in said accounts shall be segregated and kept separate and apart from all other funds of the City and shall be deposited in lawful depositories of the City and continuously held and secured or invested as provided by law. Interest earned in each such account shall be credited to such account.

SECTION 8. Use of Bond Proceeds. If a Reserve Fund is deemed necessary in order to sell the 2012 Bonds, an amount equal to the Debt Service Reserve Requirement shall be deposited into the Reserve Fund from the proceeds of the 2012 Bonds. The remaining proceeds received from the sale of the 2012 Bonds shall be deposited in the "City of Columbus, Indiana, 2012 Economic Development Income Tax Revenue Project Fund" (the "Project Fund"). The proceeds deposited in the Project Fund shall be expended only for the purpose of paying expenses incurred in connection with the Project, together with the expenses incidental thereto and on account of the issuance of the 2012 Bonds. Any balance remaining in the Project Fund after the completion of the Project which is not required to meet unpaid obligations incurred in connection therewith and on account of the issuance of the 2012 Bonds may be used to pay debt service on the 2012 Bonds or otherwise used as permitted by law.

SECTION 9. Defeasance. If, when the 2012 Bonds or any portion thereof shall have become due and payable in accordance with their terms or shall have been duly called for redemption or irrevocable instructions to call the 2012 Bonds or any portion thereof for redemption have been given, and the whole amount of the principal and the interest so due and payable upon such 2012 Bonds or any portion thereof then outstanding shall be paid, or (i) cash, or (ii) direct non-callable obligations of (including obligations issued or held in book entry form on the books of) the Department of the Treasury of the United States of America, and securities fully and unconditionally guaranteed as to the timely payment of principal and interest by the United States of America, the principal of and the interest on which when due without reinvestment will provide sufficient money, or (iii) any combination of the foregoing, shall be held irrevocably in trust for such purpose, and provision shall also be made for paying all fees and expenses for the payment or redemption of 2012 Bonds, then and in that case the 2012 Bonds or such designated portion thereof shall no longer be deemed outstanding or secured by this Ordinance.

SECTION 10. Tax Covenants. In order to preserve the exclusion of interest on the 2012 Bonds and as an inducement to purchasers of the 2012 Bonds, the City represents, covenants and agrees that:

(a) The City will not take any action or fail to take any action with respect to the 2012 Bonds that would result in the loss of the exclusion from gross income for federal income tax purposes of interest on the 2012 Bonds pursuant to Section 103 of the Internal Revenue Code of 1986 as in effect on the date of issuance of the Tax-Exempt Bonds (the "Code"), including, without limitation, the taking of such action as is necessary to rebate or cause to be rebated arbitrage profits on the 2012 Bond proceeds or other monies treated as 2012 Bond proceeds to the federal government as provided in Section 148 of the Code, and will set aside such monies, which may be paid from investment income on funds and accounts notwithstanding anything else to the contrary herein, in trust for such purposes.

(b) The City will file an information report Form 8038-G with the Internal Revenue Service as required by Section 149 of the Code.

(c) The City will not make any investment or do any other act or thing during the period that any 2012 Bond is outstanding hereunder which would cause any Tax-Exempt Bond to be an "arbitrage bond" within the meaning of Section 148 of the Code and the regulations applicable thereto as in effect on the date of delivery of the 2012 Bonds.

Notwithstanding any other provisions of this Ordinance, the foregoing covenants and authorizations (the "Tax Sections") which are designed to preserve the exclusion of interest on the Tax-Exempt Bonds from gross income under federal income tax law (the "Tax Exemption") need not be complied with to the extent the City receives an opinion of nationally recognized bond counsel that compliance with such Tax Section is unnecessary to preserve the Tax Exemption.

SECTION 11. Amendments. Subject to the terms and provisions contained in this section, and not otherwise, the owners of not less than sixty-six and two-thirds percent (66-2/3%) in aggregate principal amount of the 2012 Bonds then outstanding shall have the right, from time to time, to consent to and approve the adoption by the City of such ordinance or ordinances supplemental hereto as shall be deemed necessary or desirable by the City for the purpose of modifying, altering, amending, adding to or rescinding in any particular any of the terms or provisions contained in this Ordinance, or in any supplemental ordinance; provided, however, that nothing herein contained shall permit or be construed as permitting: (a) An extension of the maturity of the principal of or interest on any 2012 Bond, without the consent of the holder of each 2012 Bond so affected; (b) a reduction in the principal amount of any 2012 Bond or the rate of interest thereon, or a change in the monetary medium in which such amounts are payable, without the consent of the holder of each 2012 Bond so affected; (c) a preference or priority of any 2012 Bond over any other 2012 Bond, without the consent of the holders of all 2012 Bonds then outstanding; or (d) a reduction in the aggregate principal amount of the 2012 Bonds required for consent to such supplemental ordinance, without the consent of the holders of all 2012 Bonds then outstanding.

If the City shall desire to obtain any such consent, it shall cause the Registrar to mail a notice, postage prepaid, to the addresses appearing on the registration books held by the Registrar. Such notice shall briefly set forth the nature of the proposed supplemental ordinance and shall state that a copy thereof is on file at the office of the Registrar for inspection by all owners of the 2012 Bonds. The Registrar shall not, however, be subject to any liability to any owners of the 2012 Bonds by reason of its failure to mail such notice, and any such failure shall not affect the validity of such supplemental ordinance when consented to and approved as herein provided.

Whenever at any time within one year after the date of the mailing of such notice, the City shall receive any instrument or instruments purporting to be executed by the owners of the 2012 Bonds of not less than sixty-six and two-thirds per cent (66-2/3%) in aggregate principal amount of the 2012 Bonds then outstanding, which instrument or instruments shall refer to the proposed supplemental ordinance described in such notice, and shall specifically consent to and approve the adoption thereof in substantially the form of the copy thereof referred to in such notice as on file with the Registrar, thereupon, but not otherwise, the City may adopt such

supplemental ordinance in substantially such form, without liability or responsibility to any owners of the 2012 Bonds, whether or not such owners shall have consented thereto.

No owner of any 2012 Bond shall have any right to object to the adoption of such supplemental ordinance or to object to any of the terms and provisions contained therein or the operation thereof, or in any manner to question the propriety of the adoption thereof, or to enjoin or restrain the City or its officers from adopting the same, or from taking any action pursuant to the provisions thereof. Upon the adoption of any supplemental ordinance pursuant to the provisions of this section, this Ordinance shall be, and shall be deemed, modified and amended in accordance therewith, and the respective rights, duties and obligations under this Ordinance of the City and all owners of 2012 Bonds then outstanding, shall thereafter be determined exercised and enforced in accordance with this Ordinance, subject in all respects to such modifications and amendments.

Notwithstanding anything contained in the foregoing provisions of this Ordinance, the rights and obligations of the City and of the owners of the 2012 Bonds, and the terms and provisions of the 2012 Bonds and this Ordinance, or any supplemental ordinance, may be modified or altered in any respect with the consent of the City and the consent of the owners of all the 2012 Bonds then outstanding.

Without notice to or consent of the owners of the 2012 Bonds, the City may, from time to time and at any time, adopt such ordinances supplemental hereto as shall not be inconsistent with the terms and provisions hereof (which supplemental ordinances shall thereafter form a part hereof), for the following purposes: (a) to cure any ambiguity or formal defect or omission in this Ordinance or in any supplemental ordinance; (b) to grant to or confer upon the owners of the 2012 Bonds any additional rights, remedies, powers, authority or security that may lawfully be granted to or conferred upon the owners of the 2012 Bonds; (c) to provide for the refunding or advance refunding of the 2012 Bonds; or (d) to make any other change which, in the determination of the Common Council in its sole discretion, is not to the prejudice of the owners of the 2012 Bonds.

SECTION 12. Parity Obligations. The City reserves the right to authorize and issue additional bonds payable from the EDIT Revenues, or otherwise pledge the EDIT Revenues to secure lease rental payments or other obligations, ranking on a parity with the 2012 Bonds (such bonds, lease rental payments or other obligations, "Parity Obligations"). In the event any Parity Obligations are issued pursuant to this Section 12, the term "2012 Bonds" in this Ordinance shall, unless the context otherwise requires, be deemed to refer to the 2012 Bonds and such Parity Obligations and other changes may be made herein as required to reflect the issuance of such Parity Obligations. Subject to the prior satisfaction of all of the terms of this Section 12, applicable to Parity Obligations generally, the future issuance of additional Parity Obligations is hereby authorized upon the adoption by the Common Council of an ordinance or ordinances supplemental hereto, which Parity Obligations shall have the same terms and be subject to the same provisions as set forth herein, except as otherwise provided by such supplemental ordinance. The authorization and issuance of Parity Obligations shall be subject to the following conditions precedent:

(a) Any such Parity Obligations shall not cause the City to exceed its debt limitation under Article 13, Section 1, of the Indiana Constitution or any statutory debt limitation as of the date of issuance.

(b) All interest and principal payments with respect to the 2012 Bonds and any outstanding Parity Obligations shall have been paid in accordance with their terms.

(c) All required deposits into the Sinking Fund and the Reserve Fund (if any) shall have been made in accordance with the provisions of this Ordinance.

(d) Either: (1) the EDIT Revenues of the City in the fiscal year immediately preceding the issuance of the additional Parity Obligations (together with the EDIT Revenues received and applied only to the principal and interest requirements on the 2012 Bonds) shall be not less than one hundred twenty-five percent (125%) (or such higher percentage as is determined by certification of the Mayor at the time of the sale of the 2012 Bonds upon advice of the City's financial advisor) of the maximum annual interest and principal requirements of the then outstanding 2012 Bonds and other Parity Obligations and the additional Parity Obligations proposed to be issued; or (2) the EDIT Revenues for the first full fiscal year immediately succeeding the issuance of any such additional Parity Obligations (together with the EDIT Revenues estimated to be received and applied only to the principal and interest requirements on the 2012 Bonds) shall be projected by a certified public accountant to be at least equal to one hundred twenty-five percent (125%) (or such higher percentage as is determined by certification of the Mayor at the time of the sale of the 2012 Bonds upon advice of the City's financial advisor) of the maximum annual interest and principal requirements of the then outstanding 2012 Bonds and other Parity Obligations and the additional Parity Obligations proposed to be issued. For purposes of this subsection, the records of the City shall be analyzed and all showings prepared by a certified public accountant or independent financial advisor employed by the City for that purpose.

(e) The interest on the additional Parity Obligations shall be payable semiannually on January 15 and July 15 in the years in which interest is payable and the principal of the additional Parity Obligations shall be payable in the years in which principal is payable on the same dates that principal is payable on the 2012 Bonds.

Except as otherwise provided in this Section, so long as any of the 2012 Bonds are outstanding, no additional bonds or other obligations secured by pledge of any portion of the EDIT Revenues of the City shall be authorized, executed or issued by the City except such as shall be made subordinate and junior in all respects to the 2012 Bonds, unless all of the 2012 Bonds are redeemed and retired coincidentally with the delivery of such additional bonds or

other obligations, or as provided in Section 9 hereof, funds sufficient to effect such redemption are available and set aside for that purpose at the time of issuance of such additional bonds or other obligations.

SECTION 13. Authorization to Pay 2010 Bonds. The Clerk-Treasurer is hereby authorized and directed to transfer all remaining proceeds of the City of Columbus, Indiana Economic Development Income Tax Revenue Bonds, Series 2010, dated as of December 15, 2010 (the "2010 Bonds"), to the City of Columbus 2010 Economic Development Income Tax Revenue Bond Sinking Fund to be used to retire the outstanding 2010 Bonds pursuant to IC 5-1-13-2(b). The Clerk-Treasurer is hereby authorized and directed to take all such actions and to execute all such agreements or instruments as she deems necessary or desirable to carry out the transactions contemplated by this Section.

SECTION 14. No Conflict. All ordinances, resolutions, and orders or parts thereof in conflict with the provisions of this Ordinance, are to the extent of such conflict hereby repealed. After the issuance of the 2012 Bonds and so long as any of the 2012 Bonds or interest thereon remains unpaid, except as expressly provided herein, this Ordinance shall not be repealed or amended in any respect which will adversely affect the rights of the holders of the 2012 Bonds, nor shall the City adopt any law, ordinance or resolution which in any way adversely affects the rights of such holders.

SECTION 15. Severability. If any section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 16. Holidays, Etc. If the date of making any payment or the last date for performance of any act or the exercising of any right, as provided in this Ordinance, shall be a legal holiday or a day on which banking institutions in the City or the city in which the Registrar or Paying Agent is located are typically closed, such payment may be made or act performed or right exercised on the next succeeding day not a legal holiday or a day on which such banking institutions are typically closed, with the same force and effect as if done on the nominal date provided in this Ordinance, and no interest shall accrue for the period after such nominal date.

SECTION 17. Authority to Effectuate this Ordinance. The Mayor and the Clerk-Treasurer are hereby authorized and directed to take any and all other actions on behalf of the City as may be necessary, appropriate or desirable to carry out the purposes of this Ordinance and the issuance and sale of the 2012 Bonds in accordance with the Act and this Ordinance.

SECTION 18. Effectiveness. This Ordinance shall be in full force and effect from and after its passage.

PASSED AND ADOPTED by the Common Council of the City of Columbus, Indiana,
this ____ day of _____, 2012.

CITY OF COLUMBUS, INDIANA

Presiding Officer

Attest:

Clerk-Treasurer

Presented by me to the Mayor of the City of Columbus at _____.m., on the ____ day of _____, 2012.

Clerk-Treasurer

This Ordinance approved and signed by me, the Mayor of the City of Columbus, at _____.m., on the ____ day of _____, 2012.

Mayor

EXHIBIT A

The Project shall consist of road repair and repaving throughout the City and facilities repair and maintenance at various public facilities throughout the City, including, but not limited to, fire stations, parks and recreation facilities and the City garage.

BOND EXCHANGE AGREEMENT

This BOND EXCHANGE AGREEMENT is made and entered into as of _____, 2012 (the "Agreement"), by and between CITY OF COLUMBUS, INDIANA (the "City") and FIRST FINANCIAL BANK, NATIONAL ASSOCIATION, as bondholder of the 2010 Bonds (defined herein) and purchaser of the 2012 Bonds (defined herein) (the "Bank").

RECITALS

WHEREAS, the City previously issued the City of Columbus, Indiana Economic Development Income Tax Revenue Bonds, Series 2010, dated as of December 15, 2010, in the aggregate principal amount of Eight Million Two Hundred Thousand Dollars (\$8,200,000) (the "2010 Bonds"); and

WHEREAS, Seven Million Eight Hundred Forty-Five Thousand Dollars (\$7,845,000) aggregate principal amount of the 2010 Bonds remains outstanding on the date hereof; and

WHEREAS, the Bank is the sole bondholder of the 2010 Bonds; and

WHEREAS, the City now desires, on _____, 2012 (the "Closing Date"), to retire the 2010 Bonds and issue the City of Columbus, Indiana Economic Development Income Tax Revenue Bonds, Series 2012, to be dated as of the Closing Date, in the aggregate principal amount of Seven Million Eight Hundred Forty-Five Thousand Dollars (\$7,845,000) (the "2012 Bonds") on the terms set forth on Exhibit A attached hereto.

NOW THEREFORE, in consideration of the covenants and agreements hereinafter contained, and for other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and the Bank hereby covenant and agree as follows:

1. On the Closing Date, the City shall wire to the Bank an amount equal to all outstanding principal and accrued interest on the 2010 Bonds, together with a redemption premium equal to \$_____ (the "Redemption Premium"). Upon delivery of such wire transfer, all of the 2010 Bonds shall be deemed fully paid, redeemed, defeased and discharged, and shall no longer be outstanding.

2. On the Closing Date, after receiving the wired funds referred to in Section 1, the Bank shall wire to the City the purchase price for the 2012 Bonds, which shall be equal to the issue amount of the 2012 Bonds of \$7,845,000, and the City shall issue the 2012 Bonds to the Bank as purchaser of the 2012 Bonds.

3. On the Closing Date and immediately upon delivery of the 2012 Bonds to the Bank, the Bank shall wire the full amount of the Redemption Premium back to the City.

4. Wire instructions, together with precise amounts for the transfers described in Sections 1 through 3 above, shall be provided to all parties prior to the Closing Date.

IN WITNESS WHEREOF, the parties hereto have caused this Bond Exchange Agreement to be executed for and on their behalf as of the day and year first herein above written.

CITY OF COLUMBUS, INDIANA

Luann Welmer, Clerk-Treasurer

FIRST FINANCIAL BANK, NATIONAL
ASSOCIATION

By: _____

Printed: _____

Title: _____

Exhibit A

Issuer: City of Columbus, Indiana

Designation: Economic Development Income Tax Revenue Bonds, Series 2012

Total Issue: \$7,845,000

Dated: _____, 2012

Purchaser: First Financial Bank, National Association

Interest Rate & Payment Dates: Interest shall be payable on January 15 and July 15 of each year, commencing _____, 20____, at the interest rate of 4.15% per annum.

Principal Payment Dates: Principal shall be payable on January 15, on the dates and in the amounts set forth below.

Redemption Provisions: The Bonds are subject to redemption, in whole or in part, at the option of the City beginning on _____, 20____ and on any date thereafter (each, a "Prepayment Date"), on ten (10) days' notice, in inverse order of maturities and by lot within a maturity, at a price equal to the face value of the bonds to be redeemed plus accrued interest to the Prepayment Date, together with a premium equal to the difference between (x) minus (y) where (x) is the "present value" of all unpaid installments of principal and interest on the bonds to be redeemed from the Prepayment Date up to and including the maturity date of such bonds, discounted at the Applicable Treasury Rate (as hereinafter defined), as determined by the holder of the bonds to be redeemed within thirty (30) days after the Prepayment Date, and (y) is the outstanding principal balance of the bonds to be redeemed as of the Prepayment Date. If the foregoing calculations result in a number less than or equal to zero (0) no prepayment premium shall be due, but no credit shall be due to the City. For purposes of this paragraph, "Applicable Treasury Rate" shall mean the U.S. Treasury Rate that is based on a maturity that most closely approximates the remaining maturity of the bonds to be refunded. By way of illustration, if the remaining maturity of the bonds to be refunded is five years, the five-year U.S. Treasury Rate would be the Applicable Treasury Rate hereunder.

Debt Service Reserve Fund: Bond proceeds will fund a debt service reserve fund in the amount of \$784,500, which equals ten percent (10%) of the stated principal amount of the Bonds.

Maturity Schedule

<u>Maturity</u>	<u>Principal Amount</u>	<u>Maturity</u>	<u>Principal Amount</u>
1/15/13	\$405,000	1/15/20	\$ 495,000
1/15/14	410,000	1/15/21	515,000
1/15/15	425,000	1/15/22	540,000
1/15/16	435,000	1/15/23	565,000
1/15/17	450,000	1/15/24	590,000
1/15/18	465,000	1/15/25	620,000
1/15/19	480,000	1/15/26	1,450,000



COLUMBUS CITY UTILITIES

1111 McClure Road
P.O. Box 1987
Columbus, IN 47202-1987

812-372-8861
812-376-2427 FAX
www.columbusutilities.org

August 13, 2012

To: Mayor Kristen Brown and
Members of the Columbus City Council

From: Keith Reeves
Director

RE: State Revolving Fund Grant

I am presenting the following ordinance for your consideration, authorizing the City of Columbus, through the City Utilities to receive grant monies, in the form of a forgivable loan from the Indiana State Revolving Fund (SRF).

The Utilities financed most of its recent improvements through the SRF. The last and largest bonds were for the new wastewater treatment plant. That project also included a four million dollar grant from the American Recovery and Rehabilitation Act (ARRA). The grant had certain requirements, the most notable being the Buy-American provision. Though only four of the fifty two million dollar bond issue was grant money, the entire project had to meet the Buy-American provisions.

The construction of the wastewater plant went very well and funds that were borrowed for expected change orders were never used. They were repurposed to the next most important project on our capital plan which was the rehabilitation of sewers and a sewage pump station serving the Walesboro area. Approximately \$3.2 million dollars were repurposed to this project and \$300,000 of our normal revenue funds were used to make up the difference. Because we are using money from the original bond issue this work has to meet all of the original requirements of the ARRA.

Elsewhere in Indiana, other communities were having difficulties meeting the requirements of their ARRA grants and ultimately the Indiana Finance Authority had to rescind their grants. The SRF has chosen to redistribute these funds to existing grant recipients and that is the purpose of the ordinance before you tonight. If passed, this ordinance will reduce our need for local contribution by \$43,200 and will not create any additional burdens in documentation or restrictions in purchasing.

The Utility Service Board will consider this ordinance at its meeting of August 16th. I anticipate that it will ask the Council to approve this plan and will report their recommendations at the next meeting.

ORDINANCE NO. _____, 2012

AN ORDINANCE AUTHORIZING THE RECEIPT BY THE CITY OF COLUMBUS OF ADDITIONAL STATE REVOLVING LOAN FUND (SRF) ASSISTANCE IN THE FORM OF A FORGIVABLE LOAN FOR THE PROJECT AUTHORIZED BY ORDINANCE NO. 17, 2009, RELATED TO THE CITY'S SEWAGE WORKS AND OTHER RELATED MATTERS

WHEREAS, the City of Columbus, Indiana (the "City"), is the owner of and operates a sewage works system (the "Sewage Works"), by and through its Utility Service Board (the "Board"), for the collection and treatment of sewage and other wastes pursuant to the provisions of Indiana Code 36-9-23, as amended (the "Act"); and

WHEREAS, at the Board's request, the Common Council of the City (the "Council") authorized certain improvements and extensions to the Sewage Works pursuant to its Ordinance No. 17, 2009 adopted April 21, 2009 (the "Project") and is undertaking such Project; and

WHEREAS, the Indiana Finance Authority (the "Authority") pursuant to the provisions of Indiana Code 4-4-11 and 13-18-13 will make \$43,200 of additional financial assistance available to the City on a forgivable loan basis by means of the City (a) issuing a net revenue note subordinate in all respects to any existing or future indebtedness of the Sewage Works (the "Note") and (b) entering into an amendment (the "First Amendment") to its Financial Assistance Agreement between the City and the Authority pertaining to the Project and the financing thereof dated May 29, 2009 (the "Prior Financial Assistance Agreement," as amended by the First Amendment, collectively, the "Amended Financial Assistance Agreement"); and

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA, AS FOLLOWS:

In accordance with the Act for the purpose of providing funds with which to pay costs of the Project, the City shall issue and sell its sewage works net revenue note in the aggregate principal amount not to exceed Forty-three Thousand Two Hundred Dollars (\$43,200) (the "Note"), which Note shall be issued and rank on a junior basis and subordinate to any and all prior or future indebtedness of the City's Sewage Works. The Notes shall be (A) issued in the denomination of One Dollar (\$1) and any integral multiple thereof; (B) bear interest at a rate of zero percent (0%) per annum; (C) mature on April 15, 2013 subject to the terms of loan forgiveness as provided in the Amended Financial Assistance Agreement; and (D) sold to the Authority as provided in the Amended Financial Assistance Agreement. The form of the First Amendment and the Note are attached hereto as Exhibit A and approved in the form attached.

The Mayor and Clerk-Treasurer of the City, and either of them, is hereby authorized and directed to do and perform all acts and execute in the name of the City all such instruments, documents, papers or certificates which are necessary, desirable or appropriate to carry out the transactions contemplated by this Ordinance (including entering into the First Amendment and

issuing the Note) in such forms as they same shall deem proper, to be conclusively evidenced by the execution thereof.

This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor of the City.

Passed and adopted by the Common Council of the City of Columbus, Indiana, on the ____ day of _____, 2012.

Presiding Officer
Kristen Brown, Mayor

ATTEST:

Luann Welmer, Clerk-Treasurer

Presented by me to the Mayor of the City of Columbus on the ____ day of _____, 2012, at the hour of __:__ __.m.

Luann Welmer, Clerk-Treasurer

This Ordinance approved and signed by me on the ____ day of _____, 2012, at the hour of __:__ __.m.

Kristen Brown, Mayor

EXHIBIT A

STATE OF INDIANA WASTEWATER REVOLVING LOAN PROGRAM

FIRST AMENDMENT TO FINANCIAL ASSISTANCE AGREEMENT ("First Amendment") originally made as of the 29th day of May 2009 by and between the Indiana Finance Authority (the "Finance Authority"), a body politic and corporate, not a state agency but an independent instrumentality of the State of Indiana (the "State") and the City of Columbus, Indiana (the "Participant"), a political subdivision as defined in I.C. 13-11-2-164 and existing under I.C. 36-5, and now amended as of the ____ day of _____, 2012, witnesseth:

WHEREAS, the Participant has previously entered into a Financial Assistance Agreement with the Finance Authority, dated as of May 29, 2009 (the "Prior Agreement" and as amended by this First Amendment, the "Agreement"), to borrow money from the SRF Program to construct and acquire a Project (with such capitalized term and other capitalized terms used herein, to be ascribed their meanings as described and defined in the Prior Agreement); and

WHEREAS, by this First Amendment, the Finance Authority and the Participant undertake to amend the Prior Agreement to document that the Finance Authority is making additional financial assistance available for the Project as hereinafter provided.

NOW THEREFORE, in consideration of the mutual covenants set forth in the Agreement as amended herein, the Finance Authority and the Participant agree as follows:

Section 1. The parties affirm, and incorporate as the basis for this First Amendment, the matters set forth in the foregoing recitals. The parties affirm and ratify all of the terms and conditions of the Prior Agreement except as amended herein. The Agreement as amended hereby shall be deemed to have been the agreement of the parties since the date of the Prior Agreement. All capitalized terms set forth in this First Amendment (including in the foregoing recitals), and not otherwise defined herein, shall have the meaning ascribed to them as set forth in the Prior Agreement, together with the following terms:

"Loan Forgiveness" shall mean the forgiveness and discharge of the Net Revenue Note as provided by Section 2 herein to the extent permitted by the American Recovery and Reinvestment Act.

"Net Revenue Note" shall mean a note of the Political Subdivision payable solely from legally available net revenue of the Treatment Works which note shall be in the form attached hereto as Exhibit A and shall be subject to Loan Forgiveness.

Section 2. The Finance Authority agrees to Loan an amount not to exceed Forty Three Thousand Two Hundred Dollars (\$43,200) in aggregate principal amount to the Participant as Financial Assistance in addition to that provided for in the Prior Agreement to pay for the

Eligible Costs of the Project on, and subject to, the terms and conditions contained in the Agreement. The Loan shall be funded solely from unallocated and available proceeds of the 2009 Recovery Grant. The Loan is evidenced by the Net Revenue Note executed and delivered by the Participant contemporaneously herewith. The Net Revenue Note will (a) bear interest at the per annum rate of zero percent (0%), (b) be in the aggregate principal amount of Forty Three Thousand Two Hundred Dollars (\$43,200) and (c) will mature on April 15, 2013; *provided however*, the principal maturity of the Net Revenue Note is subject to Loan Forgiveness (which evidences the Loan made hereunder) and shall be deemed forgiven and discharged on April 15, 2013 to the extent permitted by the American Recovery and Reinvestment Act; *provided further* that there is not then existing any default under the Agreement and the Participant has otherwise complied with the terms and conditions of the Agreement.

Section 3. The parties hereby incorporate the provisions of Article V of the Prior Agreement to make such applicable to this First Amendment as if such were set forth in this Section referencing this First Amendment.

[THE REMAINDER OF THIS PAGE HAS
BEEN INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized officers or officials, all as of the date first above written.

CITY OF COLUMBUS, INDIANA

INDIANA FINANCE AUTHORITY

“Participant”

“Finance Authority”

By: _____
Kristen Brown, Mayor

By: _____
James P. McGoff
Director of Environmental Programs

Attested by Finance Authority Staff:

Attest: _____
Luann Welmer
City of Columbus, Clerk-Treasurer

By: _____

EXHIBIT A
Net Revenue Note

NO. 1

UNITED STATES OF AMERICA
STATE OF INDIANA
CITY OF COLUMBUS, INDIANA
SEWAGE WORKS NET REVENUE NOTE (TAXABLE)

The City of Columbus (the "City"), in Bartholomew County, State of Indiana, a municipal corporation organized under the laws of the State of Indiana, acknowledges itself indebted and for value received hereby promises to pay, from the source and as hereinafter provided, the Indiana Finance Authority, Indianapolis, Indiana, or registered assigns, upon presentation on April 15, 2013, the principal sum of \$43,200, or so much thereof as may be advanced from time to time and be outstanding as evidenced by the records of the registered owner making payment for this note ("Note") or its assigns, unless redeemed prior to maturity as hereafter provided or forgiven as provided below. Interest on this Note is at the rate of 0% per annum. The principal of this Note shall be payable in such coin or currency of the United States of America as at the time of payment is legal tender for the payment of public and private debts. Principal on this Note shall be paid by wire transfer to the registered owner hereof.

This Note is the only one of an authorized issue of notes of the City and is issued under and pursuant to the provisions of IC 4-4-11, IC 13-18-13 and IC 36-9-23 (collectively, "Act"), and under and in accordance with a bond ordinance of the City adopted _____, 2012 ("Ordinance"), for the purpose of financing the costs in connection with the construction of additions, extensions and improvements to the sewage works system. This Note is a limited obligation of the City payable solely from and in anticipation of legally available net revenues of the sewage works of the City, if any, after the payment of all indebtedness (now or hereafter existing), to which Note is subordinate in all respects, provided that the principal of this Note is subject to, and may be forgiven pursuant to, the terms of the Loan Forgiveness set forth in the Financial Assistance Agreement. This Note is not a general obligation of the City and neither the full faith and credit nor the taxing power of the City is pledged to the payment of the principal of or the interest on this Note.

Reference to the Ordinance and any and all modifications and amendments thereto and to the Act is hereby made for a description of the nature and extent of the security for this Note, the nature, extent and manner of enforcement of the pledge, the rights and remedies of the owner of this Note and the terms and conditions upon which this Note is issued and secured.

It is hereby certified and recited that all conditions, acts and things required by the constitution or statutes of the State of Indiana or the Ordinance to exist, to have happened or to have been performed precedent to or in the issuance of this Note exist, have happened and have been performed and that the issuance of this Note, together with all other indebtedness of the City, is within every debt limit and other limit prescribed by said constitution or statutes.

IN WITNESS WHEREOF, the City of Columbus, in Bartholomew County, State of Indiana, has caused this Note to be executed in its corporate name and on its behalf by the

manual or facsimile signature of its Mayor, its corporate seal or a facsimile thereof to be hereunto affixed and attested by the manual or facsimile signature of its Clerk-Treasurer.

CITY OF COLUMBUS, INDIANA

By: _____
Kristen Brown, Mayor

(SEAL)

ATTEST:

Luann Welmer, City of Columbus Clerk-Treasurer



MEMORANDUM

TO: Columbus City Council Members

FROM: Jeff Bergman, AICP
on behalf of the Columbus Plan Commission

DATE: August 13, 2012

RE: RZ-12-04 (*Columbus Free Methodist Church Rezoning*)

At its August 8, 2012 meeting, the Columbus Plan Commission reviewed the above referenced application and forwarded it to the City Council with a favorable recommendation by a vote of 10 in favor and 0 opposed.

The Columbus Free Methodist Church has, over time, acquired several other properties within the same city block as the church facility and now proposes to rezone the church itself and those additional properties to "P" (Public / Semi-public Facilities) for the purpose of constructing church parking lots. The church is located at 1511 22nd Street and the properties subject to this rezoning request are within the block bounded by Maple, Elm, 21st, and 22nd Streets. The properties are currently zoned "RE" (Residential: Established).

No members of the public spoke against this request at the Plan Commission meeting.

The following items of information are attached to this memo for your consideration:

1. The proposed ordinance approving the rezoning,
2. The resolution certifying the action of the Plan Commission (signatures have yet to be obtained from the Plan Commission officers),
3. A copy of the Plan Commission staff report,
4. A drawing of the proposed parking lots in the area to be rezoned provided by the church, and
5. A location map.

Please feel free to contact me if you have any questions regarding this matter.

ORDINANCE NO.: _____, 2012

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP
OF COLUMBUS, INDIANA, REZONING THE SUBJECT PROPERTY
FROM “RE” (RESIDENTIAL: ESTABLISHED)
TO “P” (PUBLIC / SEMI-PUBLIC FACILITIES)**

**To be known as the: Columbus Free Methodist Church Rezoning
Plan Commission Case No.: RZ-12-04**

WHEREAS, this rezoning was requested by the Columbus Free Methodist Church and includes the consent of all owners of the subject property; and

WHEREAS, the Columbus Plan Commission did, on August 8, 2012, hold a legally advertised public hearing on said request and has certified a favorable recommendation to the Common Council; and

WHEREAS, the Common Council of the City of Columbus, Indiana has considered the criteria contained in Section 12.6(G) of the Columbus & Bartholomew County Zoning Ordinance.

NOW THEREFORE BE IT ORDAINED by the Common Council of the City of Columbus, Indiana, as follows:

SECTION 1: Official Zoning Map

The zoning classification of the following described real estate, which is in the zoning jurisdiction of the City of Columbus, Indiana, shall be changed from “RE” (Residential: Established) to “P” (Public / Semi-public Facilities):

*Lots 2A and 10A in Edward M. Snively's Addition Replat as recorded in Plat Book “R”,
Page 218C in the Office of the Recorder of Bartholomew County, Indiana.*

SECTION 2: Condition(s)

No conditions are attached to this rezoning.

SECTION 3: Repealer

All ordinances or parts thereof in conflict with this Ordinance shall be repealed to the extent of such conflict.

SECTION 4: Severability

If any provision, or the application of any provision, of this Ordinance is held unconstitutional or invalid the remainder of the Ordinance, or the application of such provision to other circumstances, shall be unaffected.

SECTION 5: Effective Date

This Ordinance shall be effective upon and after the date and time of its adoption, as provided in Indiana law.

ADOPTED, by the Common Council of the City of Columbus, Indiana, this _____ day of _____, 2012 at _____ o'clock _____.m., by a vote of _____ ayes and _____ nays.

Presiding Officer

ATTEST:

Luann Welmer
Clerk-Treasurer of the City of Columbus, Indiana

Presented to me, the Mayor of Columbus, Indiana, the _____ day of _____, 2012 at _____ o'clock _____.m.

Kristen S. Brown
Mayor of the City of Columbus, Indiana

RESOLUTION: RZ-12-04

of the City of Columbus, Indiana Plan Commission

regarding

Case number RZ-12-04

(Columbus Free Methodist Church),

a proposal to rezone +/-1.33 acres from RE (Residential: Established)

to P (Public / Semi-public Facilities)

WHEREAS, the Plan Commission has received the application referenced above from the Columbus Free Methodist Church (via the Free Methodist Church of North America); and

WHEREAS, the applicant(s) represent 100% of the property owners involved in the rezoning request, which meets the requirements of IC 36-7-4-602(c); and

WHEREAS, the Plan Commission did, on August 8, 2012, hold a public hearing consistent with the applicable requirements of Indiana law, the Columbus & Bartholomew County Zoning Ordinance, and the Plan Commission Rules of Procedure; and

WHEREAS, the Plan Commission did pay reasonable regard to the criteria contained in Section 12.6(G) of the Columbus & Bartholomew County Zoning Ordinance; and

WHEREAS, the Plan Commission recognizes that its action on this matter represents a recommendation to the Common Council of the City of Columbus, Indiana, which will be responsible for final action on the request.

NOW THEREFORE BE IT RESOLVED, by the Plan Commission of the City of Columbus, Indiana, as follows:

- 1) The rezoning of the property subject to the application (approximately 1.33 acres located east of Maple Street between 21st and 22nd Streets) is forwarded to the Common Council with a favorable recommendation.
- 2) This resolution shall serve as the certification required for such ordinance amendments (re-zonings) by IC 36-7-4-605.

ADOPTED BY THE COLUMBUS, INDIANA PLAN COMMISSION THIS 8th DAY OF, AUGUST 2012 BY A VOTE OF 10 IN FAVOR AND 0 OPPOSED.

Roger Lang, President

ATTEST:

David L. Hayward, Secretary

Prepared by the City of Columbus - Bartholomew County Planning Department
Jeffrey R. Bergman, AICP #014602 – Planning Director



STAFF REPORT

CITY OF COLUMBUS PLAN COMMISSION (August 8, 2012 Meeting)

Docket No. / Project Title: RZ-12-04 & DP-12-18 (Columbus Free Methodist Church)

Staff: Derek Naber

Applicant: Columbus Free Methodist Church
(Free Methodist Church of North America)

Property Size: Property A: 1 Acre
Property B: 15,479 square feet

Current Zoning: RE (Residential: Established)

Proposed Zoning: P (Public / Semi-Public Facilities)

Location: Property A: 1511 22nd Street, in the City of Columbus
Property B: 2126 Elm Street, in the City of Columbus

Background Summary:

The applicant has indicated that the proposed rezoning is for the purpose of placing an existing church in a zoning district which is more consistent to its use and to facilitate the development of two new parking lots.

The applicant has also indicated that the proposed site development plan is for the purpose of establishing a parking lot on the existing church property (Property A) and a parking lot on a vacant lot (Property B) adjacent to the church property. The church has been at this location since 1947. Beginning in the 1990's the church began acquiring other properties in the same block and demolishing the homes and businesses located on them. These properties have been used informally for church parking. The church is now ready to construct parking lots on these properties.

The applicant is proposing the following waiver(s) and/or modification(s) from the zoning ordinance development standards that would typically apply to this development:

1. A modification from Zoning Ordinance Section 8.2 (Table 8.3) to remove the buffer yard type B requirement along two 100 foot segments along the east property line of Property A.
2. A modification from Zoning Ordinance Section 8.2 (Table 8.3) to reduce the buffer yard width from 25 feet to 5 feet along the north and south property lines for Property B.
3. A modification from Zoning Ordinance Section 7.3 (Part 2)(A) to remove the requirement of installing a sidewalk for Property B along Elm Street.
4. A modification from Zoning Ordinance Section 7.1 (Table 7.3) in order to provide no handicap accessible parking spaces, 2 fewer than required for Property B.

Key Issue Summary:

The following key issue(s) should be resolved through the consideration of this application:

1. Do the requested modifications meet the criteria established by the Zoning Ordinance?
2. Are the proposed parking lot / buffer proposals at 1511 22nd Street and 2126 Elm Street appropriate in this neighborhood setting?

3. What is the correct balance between providing adequate parking and maintaining the viability of an existing church facility and preserving the residential character of the neighborhood?
4. Is installing a short segment of new sidewalk appropriate along a sidewalk-less street in an otherwise walkable neighborhood?

Preliminary Staff Recommendation (Rezoning):

Favorable Recommendation to City Council.

Plan Commission Options (Rezoning):

In reviewing a request for rezoning the Plan Commission may (1) forward a favorable recommendation to the City Council, (2) forward an unfavorable recommendation to the City Council, (3) forward the application to City Council with no recommendation, or (4) continue the review to the next Plan Commission meeting. The Plan Commission may attach conditions to any recommendation which are to become written commitments of the applicant. The City Council makes all final decisions regarding rezoning applications.

Decision Criteria (Rezoning):

Indiana law and the Columbus Zoning Ordinance require that the Plan Commission and City Council pay reasonable regard to the following when considering a rezoning:

The Comprehensive Plan.

Preliminary Staff Comments: The Comprehensive Plan encourages the community to maintain and enhance the character of their neighborhoods. The Comprehensive Plan further encourages infill development within the community which is to-scale to the surrounding area and does not provide excessive amounts of parking.

The current conditions and the character of current structures and uses in each district.

Preliminary Staff Comments: Property A features an existing church, gravel parking lot, and an existing garage. Property B features an existing gravel parking lot and no notable site features.

The most desirable use for which the land in each district is adapted.

Preliminary Staff Comments: Property A features an existing neighborhood church which has served at this location since 1947. Property B, which has no notable site features, is across the alley from the existing church. Both properties are featured within the central neighborhood of Columbus where all of the surrounding properties are used for single-family residential. A church within a residential neighborhood can serve as a benefit to the area as a result of many of its services being within such a short traveling distance to many homes.

The conservation of property values throughout the jurisdiction of the City of Columbus.

Preliminary Staff Comments: Currently, the church has few available on-site parking spaces for their facility. While the removal of structures would result in a loss of activity within the immediate neighborhood, the allowance of a parking facility would relieve parking congestion to the area while also encouraging the church to stay at its current location as an asset to the community and neighborhood.

Responsible growth and development.

Preliminary Staff Comments: The existing church, which is proposing new parking areas, is providing only the minimal amount of parking they would be required if this was new construction. Further, by facilitating the development of a new parking facility for the church, it would encourage the church to stay as an asset to the surrounding neighborhood.

Plan Commission Decision Criteria (Site Development Plan):

The Columbus Zoning Ordinance requires that the Plan Commission consider (1) compliance with the applicable development standards established by the Zoning Ordinance and (2) the general standards listed below in the review of site development plans (Section 12.8(E)).

1. The proposed development will be consistent with the comprehensive plan.
2. The proposed development will not be detrimental to or endanger the public health, safety, convenience, or general welfare.
3. The proposed development will not be injurious to the use and enjoyment of the surrounding property.
4. The proposed development will not impede the efficient, orderly, and normal development of the surrounding property.
5. The proposed development provides adequate access, utilities, landscaping, buffering, and other improvements.
6. The proposed development provides pedestrian and vehicle ingress, egress, and circulation in a manner that maintains adequate public safety and efficient movement.

The Plan Commission may waive or modify development requirements of the Zoning Ordinance based on findings by the Commission that the altered requirements will better serve (a) the intent of that development requirement, (b) the intent of the zoning district, and/or (c) the general standards listed above.

Plan Commission Process, Options & Preliminary Staff Recommendation (Site Development Plan):

Step 1 **Development Standards Waivers & Modifications:**
 The initial step in the approval process is for the Plan Commission to determine if any requested development standards waivers and/or modifications can be supported based on the decision criteria provided by the Zoning Ordinance. The waiver or modification may be approved if one or more of the criteria have been met. A separate motion with specific findings is recommended for each requested waiver and/or modification.

Waiver / Modification #1: A modification from Zoning Ordinance Section 8.2 (Table 8.3) to remove the buffer yard type B requirement along two 100 foot segments along the east property line of Property A.

Preliminary Staff Recommendation: Approval, Criterion #3 has been met.

Criteria #1: The requested waiver or modification will better serve the intent of that development requirement. The Zoning Ordinance indicates the intent of the buffer standards as follows: To provide transitions from one type of use to another and to buffer residents and users of less intensive land uses from the impacts associated with more intensive uses.

Preliminary Staff Findings: The proposed removal of the buffer requirement does not better provide a transition from the church property to the adjacent residential neighbors. There is no additional landscaping or fencing provided along the alley which would better serve the adjacent residential neighbors. *This criterion has not been met.*

User Notes: _____

Criteria #2: The requested waiver or modification will better serve the intent of the zoning district in which the property is located. The Zoning Ordinance indicates the intent of the P (Public / Semi-Public Facilities) zoning district as follows: To provide locations for large-scale public facilities, worship facilities, and concentrations of other public institutions. This district should be applied in those locations where a single facility or combination of facilities forms an institutional center. This district is further intended to provide a set of setbacks and other requirement that respond to the unique scale and other considerations common to these types of uses. This district should be applied

to reduce land use conflicts and ensure that public and semi-public facilities are appropriately integrated into the community.

Preliminary Staff Findings: The district is intended to reduce land use conflicts and ensure that the public and semi-public facilities are appropriately integrated within the community. The removal of the buffer requirement does not better integrate the church within the neighborhood. The proposal would not provide any transition between the church use and the adjacent less intensive residential uses.

This criterion has not been met.

User Notes: _____

Criteria #3: The requested waiver or modification will better serve the general standards listed by Zoning Ordinance Section 12.8(E)(2) and above.

Preliminary Staff Findings: The Comprehensive Plan states that adequate and sufficient parking needs to be provided for facilities. The removal of the buffer requirement allows the applicant to better to provide parking to the church and to the surrounding area so as to remove parking congestion within the neighborhood, especially when church services are available. *This criterion has been met.*

User Notes: _____

Waiver / Modification #2: A modification from Zoning Ordinance Section 8.2 (Table 8.3) to reduce the buffer yard width from 25 feet to 5 feet along the north and south property lines for Property B.

Preliminary Staff Recommendation: Approval, Criterion #3 has been met.

Criteria #1: The requested waiver or modification will better serve the intent of that development requirement. The Zoning Ordinance indicates the intent of the buffer standards as follows: To provide transitions from one type of use to another and to buffer residents and users of less intensive land uses from the impacts associated with more intensive uses.

Preliminary Staff Findings: The reduction of the buffer does not better provide a transition between the proposed parking lot and the adjacent residential neighbors. The parking spaces are directly aimed towards the residential properties and there is not even a fence or opaque screen separating the parking lot and these residential homes. *This criterion has not been met.*

User Notes: _____

Criteria #2: The requested waiver or modification will better serve the intent of the zoning district in which the property is located. The Zoning Ordinance indicates the intent of the P (Public / Semi-Public Facilities) zoning district as follows: To provide locations for large-scale public facilities, worship facilities, and concentrations of other public institutions. This district should be applied in those locations where a single facility or combination of facilities forms an institutional center. This district is further intended to provide a set of setbacks and other requirement that respond to the

unique scale and other considerations common to these types of uses. This district should be applied to reduce land use conflicts and ensure that public and semi-public facilities are appropriately integrated into the community.

Preliminary Staff Findings: The reduction in the buffer width does not better integrate the proposed parking lot within the neighborhood. The proposed parking lot which will be immediately adjacent to the residential homes would be out of context and obtrusive to the adjacent residential homes. *This criterion has not been met.*

User Notes: _____

Criteria #3: The requested waiver or modification will better serve the general standards listed by Zoning Ordinance Section 12.8(E)(2) and above.

Preliminary Staff Findings: The Comprehensive Plan encourages that adequate and sufficient parking be provided for facilities. The proposed parking lot on the property with reduced buffer widths would better provide non-excessive parking for the church while also reducing parking congestion within the surrounding neighborhood. *This criterion has been met.*

User Notes: _____

Waiver / Modification #3: A modification from Zoning Ordinance Section 7.3 (Part 2)(A) to remove the requirement from installing a sidewalk for Property B along Elm Street.

Preliminary Staff Recommendation: Approval, Criteria 2 & 3 have been met.

Criteria #1: The requested waiver or modification will better serve the intent of that development requirement. The Zoning Ordinance indicates the intent of the circulation standards as follows: To promote safe and efficient travel within the community, minimize disruptive and potentially hazardous traffic conflicts; separate traffic conflict areas by reducing the number of driveways; provide efficient spacing standards between driveways; protect the substantial public investment in the street system, and ensure reasonable access to properties.

Preliminary Staff Findings: The removal of the sidewalk requirement does not better reduce potential hazardous traffic conflicts. The sidewalk requirement which provides an organized and structured area for pedestrians along the street would not be made available within this segment of Elm Street. In order for pedestrians to access properties along the entire length of Elm Street, they would still be required to walk along the street which could cause conflict with vehicular traffic. *This criterion has not been met.*

User Notes: _____

Criteria #2: The requested waiver or modification will better serve the intent of the zoning district in which the property is located. The Zoning Ordinance indicates the intent of the P (Public / Semi-

Public Facilities) zoning district as follows: To provide locations for large-scale public facilities, worship facilities, and concentrations of other public institutions. This district should be applied in those locations where a single facility or combination of facilities forms an institutional center. This district is further intended to provide a set of setbacks and other requirement that respond to the unique scale and other considerations common to these types of uses. This district should be applied to reduce land use conflicts and ensure that public and semi-public facilities are appropriately integrated into the community.

Preliminary Staff Findings: The removal of the sidewalk requirement along Elm Street would be better integrated within the surrounding area. There are no sidewalks along Elm Street between 19th Street and 25th Street. The addition of a sidewalk along this segment of right-of-way would be inconsistent with this street and is likely impractical due to the lack of curb and gutter along the street. *This criterion has been met.*

User Notes: _____

Criteria #3: The requested waiver or modification will better serve the general standards listed by Zoning Ordinance Section 12.8(E)(2) and above.

Preliminary Staff Findings: The removal of the sidewalk requirement would better match the existing pedestrian context of the street. There are currently no sidewalks which are provided on the block of the subject property or along Elm Street between 19th Street and 25th Street. The addition of a sidewalk along this segment of right-of-way would be inconsistent with this street and is likely impractical due to the lack of curb and gutter along the street. *This criterion has been met.*

User Notes: _____

Waiver / Modification #4: A modification from Zoning Ordinance Section 7.1 (Table 7.3) in order to provide no handicap accessible parking spaces, 2 fewer than required for Property B.

Preliminary Staff Recommendation: Approval, all criteria have been met.

Criteria #1: The requested waiver or modification will better serve the intent of that development requirement. The Zoning Ordinance indicates the intent of the general parking standards as follows: To prevent congestion in the public streets by requiring all uses to provide adequate off-street parking, stacking and loading spaces; to determine minimum parking space requirements for individual uses; and to accommodate a variety of means of personal transportation.

Preliminary Staff Findings: The proposed parking layout would better meet the requirements of the ordinance, because the proposal moves the handicap accessible parking spaces closer to the entrances of the church. The proposal would benefit the potential users of the handicap accessible parking spaces, because there would be less required walking distance. *This criterion has been met.*

User Notes: _____

Criteria #2: The requested waiver or modification will better serve the intent of the zoning district in which the property is located. The Zoning Ordinance indicates the intent of the P (Public / Semi-Public Facilities) zoning district as follows: To provide locations for large-scale public facilities, worship facilities, and concentrations of other public institutions. This district should be applied in those locations where a single facility or combination of facilities forms an institutional center. This district is further intended to provide a set of setbacks and other requirement that respond to the unique scale and other considerations common to these types of uses. This district should be applied to reduce land use conflicts and ensure that public and semi-public facilities are appropriately integrated into the community.

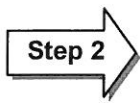
Preliminary Staff Findings: The proposed handicap accessible parking space layout would be better for the church facility, which would require less walking distance between the church facility and handicap accessible parking spaces. *This criterion has been met.*

User Notes: _____

Criteria #3: The requested waiver or modification will better serve the general standards listed by Zoning Ordinance Section 12.8(E)(2) and above.

Preliminary Staff Findings: The proposed parking layout which provides no handicap accessible parking spaces for Property B will better provide handicap accessible parking space access to entrances of the church. There will be less of a required walking distance for users of the parking lot with a disability. *This criterion has been met.*

User Notes: _____



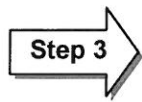
Conditions:

The Plan Commission should determine through discussion if any conditions of approval are appropriate for this request. Conditions are situations that need to be resolved through the action of the applicant prior to, or as part of, the proposed development. Any conditions should be clearly based on the Plan Commission Decision Criteria listed above.

Preliminary Staff Recommendation: The staff is preliminarily recommending the following conditions of approval:

1. The following items shall be added / changed to the site plan:
 - a. Tree species and minimum planting heights shall be shown on an updated site plan.
 - b. 2 shrubs proposed for Property B shall be relocated out of the sight visibility triangle at the entrance to the parking lot from Elm Street.
 - c. Add sign to one handicap accessible parking space in Property A (One space is missing required sign.)
 - d. Add 2 additional shrubs along the north and south buffer yards for Property B.
 - e. Buffer width dimension for north and south property lines for Property B shall be listed as 5 feet.
2. The gravel parking lot on the rear of the residential property of 2140 Elm Street shall be removed.

User Notes: _____



Commitments:

The Plan Commission should determine through discussion if any commitments of the applicant are appropriate and/or needed for this request. Commitments are long-term agreements that, together with the Zoning Ordinance, govern the use of the property. Any commitments should be clearly based on the Plan Commission Decision Criteria listed above.

Preliminary Staff Recommendation: The staff is preliminarily recommending the following commitments:

1. Property A shall be required to provide and maintain 2 bicycle parking spaces.
2. A fence or wall as specified by to Zoning Ordinance Section 8.2 (D)(1)(c) as of August 8, 2012, shall be maintained along the north and south property lines of Property B. The fence shall not be required for any segments where neighboring properties provide their own 100% opaque fence meeting the applicable standards referenced in the previous sentence.
3. Sidewalks shall be installed by the then owner(s) of the properties subject to this rezoning along these properties' frontages on Elm and 21st Street if and when the redevelopment of the remainder of the block (bounded by 22nd Street, Maple Street, 21st Street, and Elm Street) occurs and that redevelopment includes sidewalks.
4. If Property B is sold to and/or used by a separate entity or business from the adjacent church (either the Columbus Free Methodist Church or a successor), the parking lot shall be required to provide handicap accessible parking spaces meeting the requirements of the Zoning Ordinance and/or Americans with Disabilities Act (ADA) standards applicable at the time, whichever is most restrictive.

User Notes: _____



Approval, Denial or Continuance:

In reviewing a request for site development plan approval the Plan Commission may (1) approve the application, (2) deny the application, or (3) continue the review to a future Plan Commission meeting. The Plan Commission should make, second, and vote on a motion for the approval, denial, or continuance of the request. Any motion should include reasons supporting that motion that directly reference the Plan Commission Decision Criteria listed above. Any motion for approval should (1) note any approved waivers and/or modifications and (2) specifically list any conditions and/or commitments being made as part of the approval and the reasons for those conditions or commitments based on the Plan Commission Decision Criteria listed above.

Preliminary Staff Recommendation: Approval, with Modifications #1, #2, #3, and #4. The approval should be subject to the conditions and commitments as listed above.

User Notes: _____

Current Property Information:	
Land Use:	Property A: Church Property B: Vacant Lot (Undeveloped)
Site Features:	Property A: The site features a church, a gravel parking lot, and an accessory building. Property B: No relevant site features at this location.
Flood Hazards:	No flood hazards exist at this location.
Special Circumstances: (Airport Hazard Area, Wellfield Protection Area, etc.)	No special circumstances exist at this location.
Vehicle Access:	Property A: Maple Street (Local, Residential, Urban) Alley Property B: Elm Street (Local, Residential, Urban) Alley

Surrounding Zoning and Land Use (Property A):		
	Zoning:	Land Use:
North:	RS4 (Residential: Single-Family 4)	Residential Homes
South:	RE (Residential: Established)	Residential Homes
East:	RE (Residential: Established)	Residential Homes Vacant Lot (Undeveloped)
West:	RE (Residential: Established)	Residential Homes

Surrounding Zoning and Land Use (Property B):		
	Zoning:	Land Use:
North:	RE (Residential: Established)	Residential Homes
South:	RE (Residential: Established)	Residential Homes
East:	RE (Residential: Established)	Residential Homes
West:	RE (Residential: Established)	Church

Zoning District Summary (Existing / Proposed):		
	Existing Zoning: RE	Proposed Zoning: P

Zoning District Summary (Existing / Proposed):		
	Existing Zoning: RE	Proposed Zoning: P
Zoning District Intent:	To ensure the continued viability of neighborhoods and developments in existence on the effective date of this Ordinance.	To provide locations for large-scale public facilities, worship facilities, and concentrations of other public institutions. This district should be applied in those locations where a single facility or combination of facilities forms an institutional center. This district is further intended to provide a set of setbacks and other requirement that respond to the unique scale and other considerations common to these types of uses. This district should be applied to reduce land use conflicts and ensure that public and semi-public facilities are appropriately integrated into the community.

Permitted Uses:	Residential Uses: <ul style="list-style-type: none"> • Dwelling, Single-Family Park Uses: <ul style="list-style-type: none"> • Nature Preserve / Conservation Area 	<u>GROUP 1 USES:</u> Residential Uses: <ul style="list-style-type: none"> • Nursing Home / Assisted Living Facility • Retirement Facility Communications / Utilities Uses: <ul style="list-style-type: none"> • Cemetery • Clinic • Community Center • Community Garden • Day Care Center (Adult or Child) • Government Office • Hospital • Institution for the Developmentally Disabled / Mentally Ill • Library • Private Club • Museum • Parking Lot / Garage (as a primary use) • Police, Fire, or Rescue Station • Post Office • School (Grades Pre-School through 12) • Trade or Business School • University or College • Worship Facility
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		<p>Park Uses:</p> <ul style="list-style-type: none"> • Golf Course • Nature Preserve / Conservation Area • Park / Playground <p>Commercial Uses:</p> <ul style="list-style-type: none"> • Conference Center • Health Spa • Instructional Center • Retreat Center <p><u>GROUP 2 USES:</u></p> <p>Communications / Utilities Uses:</p> <ul style="list-style-type: none"> • Sewage Treatment Plant • Utility Substation • Water Tower • Wellfield / Water Treatment Facility <p>Public / Semi-Public Uses:</p> <ul style="list-style-type: none"> • Airport (Public) • Animal Shelter • Correctional Facility • Fairgrounds • Government Facility (Non-Office) <p>Park Uses:</p> <ul style="list-style-type: none"> • Amphitheater / Outdoor Venue • Athletic Complex • Driving Range (as a primary use)
Water and Sewer Service:	Required	Required

<p>Lot and/or Density Requirements:</p>	<p>Minimum Lot Area: Equal to the smallest area of any legal lot of record within 300 feet of the subject property, or (where sewer service is not available) as required to provide two viable septic system sites, in the opinion of the Health Department, whichever is greater.</p> <p>Minimum Lot Width: Equal to the smallest width of any legal lot of record within 300 feet of the subject property.</p> <p>Minimum Lot Frontage: Equal to the smallest frontage of any legal lot of record within 300 feet of subject property.</p> <p>Maximum Lot Coverage: Equal to the highest percent coverage of any legal lot of record within 300 feet of the subject property or 75% whichever is greater.</p> <p>Minimum Living Area per Dwelling: Equal to the average living area of all dwellings located on legal lots of record within 300 feet of the subject property.</p>	<p>Minimum Lot Area: 20,000 Square Feet</p> <p>Minimum Lot Width: 50 Feet</p> <p>Minimum Lot Frontage: 50 Feet</p> <p>Maximum Lot Coverage: 65%</p> <p>Minimum Living Area per Dwelling: N/A</p>
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<p>Setbacks Required:</p> <p>Front setbacks are determined by the Thoroughfare Plan Classification of the adjacent street and are the same regardless of zoning.</p>	<p>Side Yard Setback:</p> <p>Primary Structure: 5 feet Accessory Structure: 3 feet</p> <p>Rear Yard Setback:</p> <p>Primary Structure: 10 feet Accessory Structure: 3 feet</p> <p>Front Yard Setback:</p> <p>Equal to the average setback provided by all other primary structures on the same side of the street on legal lots of record within 300 feet of the subject property, however all garage vehicle entrances facing a public street shall have a minimum front setback of 25 feet.</p>	<p>Side Yard Setback:</p> <p>Primary Structure: 10 feet Accessory Structure: 10 feet</p> <p>Rear Yard Setback:</p> <p>Primary Structure: 10 feet Accessory Structure: 10 feet</p> <p>Front Yard Setback:</p> <p>Arterial Road: 50 feet Arterial Street: 10 feet* Collector Road: 35 feet Collector Street: 10 feet* Local Road: 25 feet Local Street: 10 feet*</p> <p><i>*25 feet for any auto service bay, auto fuel pump canopy, or other similar vehicle access points to structures.</i></p> <p>Buffer from RE zoning district:</p>
<p>Height Restrictions:</p>	<p>Primary Structure:</p> <p>45 feet</p> <p>Accessory Structure:</p> <p>35 feet (or the height of the primary structure on the property, whichever is less)</p>	<p>Primary Structure:</p> <p>45 feet</p> <p>Accessory Structure:</p> <p>25 feet</p>
<p>Floor Area Requirements:</p>	<p>Minimum Ground Floor Living Area: 40%</p>	<p>Minimum Ground Floor Living Area: N/A</p>
<p>Signs:</p>	<p>Wall Signs*</p> <p>Permitted 1 wall sign per frontage with a maximum area of 15% or 150 square feet, whichever is less.</p> <p>Freestanding Signs*</p> <p>Permitted 1 freestanding sign per frontage with a maximum area of 50 square feet.</p> <p><i>*All signage only permitted through conditional use.</i></p>	<p>Wall Signs</p> <p>Permitted 1 wall sign per frontage with a maximum area of 15% or 150 square feet, whichever is less.</p> <p>Freestanding Signs</p> <p>Permitted 1 freestanding sign per frontage with a maximum area of 50 square feet.</p>

Interdepartmental Review:	
City Engineering:	No issue with these requests.
City Utilities:	No comments received.
Fire Department:	No issue with these requests.
Code Enforcement:	The proposed layout for accessible parking spaces is closer to being in compliance with the state codes. This puts the accessible parking spaces closer to the building instead of some being on Property B.
MPO:	No comments received.

History of this Location:

The relevant history of this property includes the following:

1. The Columbus Free Methodist Church was first established at 1511 22nd Street in 1947.
2. In the 1990's, the Columbus Free Methodist Church acquired the property at 2126 Elm Street and the structure was removed so as provide parking for the church.
3. In 1996, the church acquired three properties which included two residential homes and a laundry business, south of the existing facility. All these structures were then removed so as to provide parking for the church.
4. In March 2001, Free Methodist Church received approval for two 28 square foot wall signs which each feature changeable copy areas (C/ZC-3-01-08).
5. In December 2009, the east-west alley south of the existing church (between the proposed parking lot and the church) was vacated to unite the entire half block of the church property (Property A) and to join two previous residential properties together (Property B) (VAC-09-02).

Comprehensive Plan Consideration(s):

The Future Land Use Map indicates the future use of this property as Residential.

The following Comprehensive Plan goal(s) and/or policy(ies) apply to this application:

1. **GOAL A-2:** Preserve & enhance the character of the community
2. **POLICY A-2-9:** Preserve and enhance the character of neighborhoods.
3. **POLICY A-2-10:** Keep residential neighborhoods at a "human" scale, preventing high-rise or massive buildings.
4. **POLICY A-2-11:** Encourage all new development to be in scale (height, area, mass, setback, etc.) with its surroundings, determined on a neighborhood-by-neighborhood basis.
5. **POLICY A-4-1:** Preserve & revitalize older neighborhoods, including buildings, grounds, and infrastructure.
6. **POLICY A-4-2:** Encourage infill development, and/or use of vacant parcels for projects such as parks or other amenities which complement the neighborhoods in which they are located.
7. **POLICY A-2-15:** Encourage sidewalks in all areas of the community, requiring them or a pedestrian system in new developments. Sidewalks should be designed with a landscape strip between the sidewalk and the street or curb. Landscape strips area preferred, and all sidewalks should meet accessibility standards.
8. **GOAL D-3:** Provide high-quality residential neighborhood environments.
9. **POLICY D-3-1:** Encourage projects which improve and revitalize neighborhoods.
10. **POLICY E-2-12:** Encourage parking lot and circulation designs which are safe and efficient, both for motor vehicles and for pedestrians.

11. **GOAL F-2:** Ensure safe, convenient, pedestrian-friendly neighborhoods environments, which are accessible to all citizens. The pedestrian facilities should be provided in a cost-effective manner.
12. **GOAL F-5:** Provide adequate, attractive, and safe parking facilities.
13. **POLICY F-5-1:** Require new developments to construct sufficient but not excessive parking for their demand.
14. **POLICY F-5-5:** Require internal landscaping in all large parking lots.
15. **GOAL I-1:** Provide high-quality public facilities in locations which are convenient and accessible to local residents.
16. **POLICY I-1-1:** Ensure that pedestrian connections to public facilities area provided in conjunction with new development and that these pedestrian systems are designed to promote safety and efficiency.
17. **POLICY J-2-2:** Maintain and enhance the vitality, cleanliness, and appearance of all areas of the city.
18. **GOAL S-L-1:** Protect and enhance property values and improve economic vitality.
19. **POLICY S-L-1-1:** Require appropriate landscaping for new or expanded businesses, public facilities, subdivisions, apartment complexes, and other similar uses.
20. **POLICY S-L-2-2:** Encourage effective use of landscaping, such as medians, traffic islands, and parking lot landscaping, to reduce the adverse effect of impervious surfaces.
21. **POLICY S-L-2-3:** Encourage use of street trees and landscape buffers to reduce the adverse effects of air pollution.
22. **POLICY S-L-2-4:** Encourage use of landscape buffers to reduce the impacts of noise, including traffic noise.
23. **GOAL S-L-3:** Improve the safety of traffic flow on streets and in parking areas.
24. **POLICY S-L-3-1:** Encourage site design which employs landscaping to improve traffic flow and increase pedestrian safety in parking areas.
25. **GOAL S-L-4:** Enhance the appearance of the community.
26. **POLICY S-L-4-2:** Encourage use of landscaping to improve the appearance of parking areas, requiring it in new large parking areas.
27. **POLICY S-L-4-4:** Encourage use of landscaping to screen and buffer incompatible and/or unattractive uses.
28. **POLICY S-L-4-6:** Encourage use of landscaping to define street edges and separation of uses.
29. **GOAL S-L-5:** Improve the psychological and social well-being of the community.
30. **POLICY S-L-5-1:** Encourage the use of landscaping to reduce vandalism to the property.

This property is located in the Columbus Central Neighborhoods character area. The following Planning Principle(s) apply to this application:

1. Infill development that complements existing neighborhoods should be encouraged.
2. Redevelopment for conversion of residential uses to other uses should be considered only for large tracts, such as entire blocks, rather than permitted on a piecemeal basis.

Planning Consideration(s):

The following general site considerations, planning concepts, and other facts should be considered in the review of this application:

1. The Columbus Free Methodist Church, which is located at 1511 22nd Street and 2126 Elm Street in the City of Columbus, is proposing to rezone these two properties from RE (Residential: Established) zoning district to P (Public / Semi Public Facilities) zoning district. This rezoning is proposed so as to (1) place the existing church within an appropriate zoning district (permits a worship facility) and (2) facilitate the development of two parking facilities for the church. A worship facility and parking lot which are Group 1 Uses are the proposed uses for Property A and Property B respectively.
2. Property A features an existing 10,758 square foot church with an 816 square foot garage. Property B which is located across an alley, features no notable site features. Over the years since the church initially has acquired neighboring properties, they have added illegal gravel parking lots in these areas in order to provide adequate off-street parking for their worship facility.
3. The proposed rezoning from the RE (Residential: Established) zoning district to P (Public / Semi-Public Facilities) zoning district changes many lot standards including front and side setback

standards. While the main church building and garage are existing, the proposed rezoning creates some legal nonconformities on Property A which include the following:

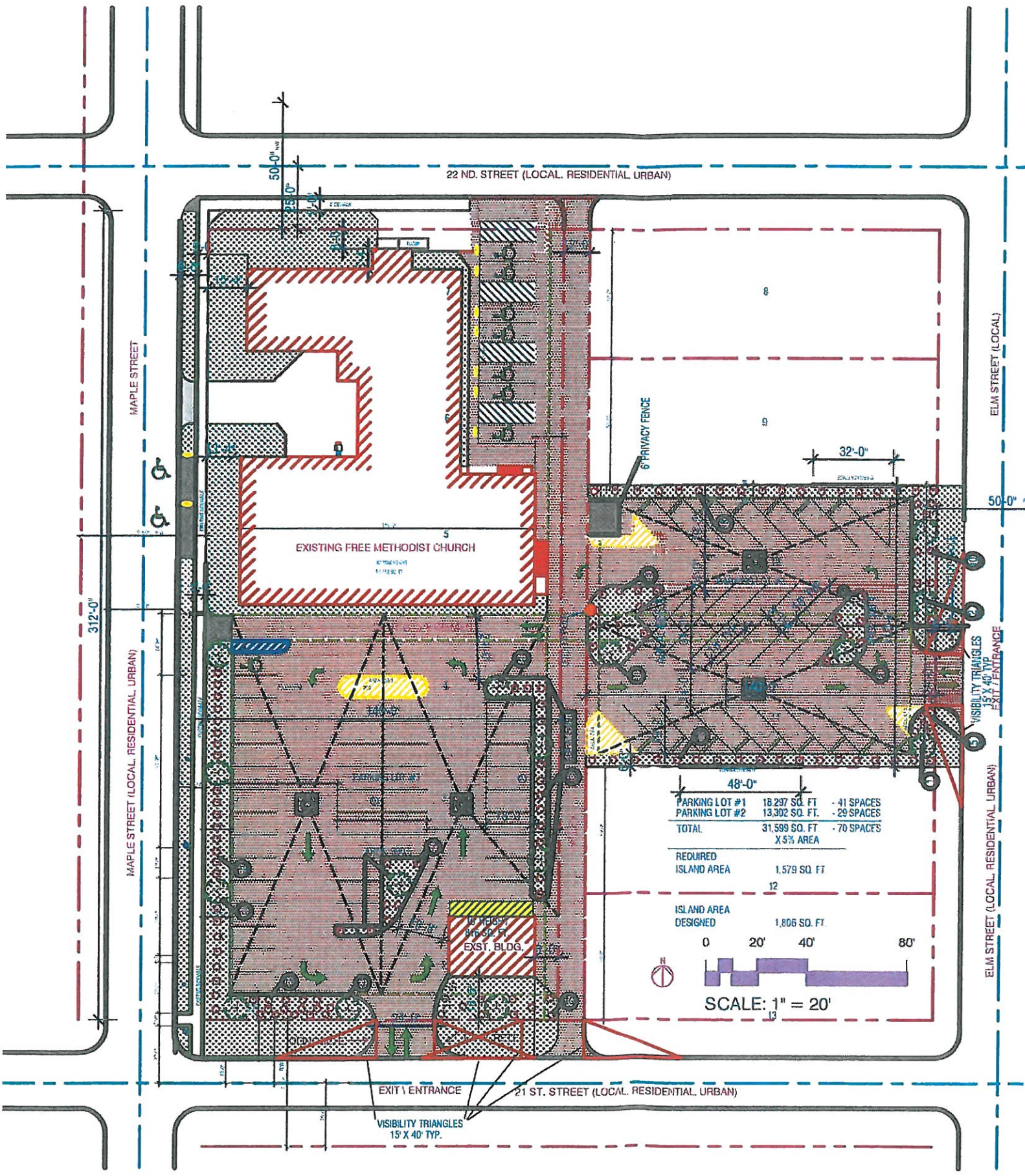
- Existing Setback of Primary Structure from 22nd Street: 8 feet
 - *Existing front setback requirement: 8.7 feet (RE zoning district)*
 - *Proposed front setback requirement: 10 feet (P zoning district)*
 - Existing Setback of Accessory Structure from east property line: 8 feet
 - *Existing side setback requirement: 3 feet (RE zoning district)*
 - *Proposed front setback requirement: 10 feet (P zoning district)*
4. The proposed site development plan for the church is for the purpose of the official establishment of parking lots which provide 47 parking spaces on Property A (which includes 8 handicap accessible spaces) and 29 parking spaces on Property B for a total of 76 parking spaces. The entrance for the parking lot on Property A would be accessed from 21st Street and the parking lot on Property B would be accessed from Elm Street.
 5. The proposal provides adequate landscaping in/along the parking lot public street frontage (Landscaping Area #1) and the parking lot interior (Landscaping Area #2). The site plan however has not provided an updated listing of species type or minimum planting heights. Two of the shrubs on Property B on the site plan are also shown in the sight visibility triangle. The site plan also shows a dumpster enclosure which will be made of a 6 foot, 100% opaque wooden fence on Property B.
 6. While the church is considered grandfathered from providing any on-site parking, if they were to develop their church today, which features a seating capacity of 300 people in their largest assembly area, they would be required to provide 100 on-site parking spaces. With the proposed new off-street parking and the available on-street parking (some of which the Zoning Ordinance counts toward meeting the number of required parking spaces), the church would be providing 99 parking spaces.
 7. The proposed site development plan, is requesting several modifications for both Property A and B as listed below:
 - **Modification #1:** A modification from Zoning Ordinance Section 8.2 (Table 8.3) to remove the buffer yard type B requirement along two 100 foot segments along the east property line of Property A.
 - *Requirement(s):* According to Zoning Ordinance Section 8.2 (A)(2), whenever a rezoning occurs that requires a buffer yard where none was required previously. The property that is rezoning shall provide the buffer yard. Zoning Ordinance Section 8.2 (Table 8.3) requires a buffer yard type B, which would be 25 feet in width and would be required to provide 260 points (130 points in each segment) along the eastern property line along the alley.
 - *Additional Notes:* East of Property A, there still remains 4 separate residential properties on the block. The buffer requirement between the church property and the residential properties is to ensure that activities associated with the church do not impact the adjacent residential properties. Such activities include vehicular traffic, lights, and noise. The proposal provides no buffer yard, additional landscaping, or fencing along the east property line. Zoning Ordinance Section 8.2 (B), states that also no structure, outdoor storage, parking area, etc. is allowed to be in front of or within a buffer yard. The proposal features some of the proposed parking area as well as part of the church and garage within the required buffer yard.
 - **Modification #2:** A modification from Zoning Ordinance Section 8.2 (Table 8.3) to reduce the buffer yard width from 25 feet to 5 feet along the north and south property lines for Property B.
 - *Requirement(s):* According to Zoning Ordinance Section 8.2 (Table 8.3), a buffer yard type B is required along both the north and south property lines of Property B. This buffer yard is required to be 25 feet in width and each buffer yard is required to provide 143 points of landscaping along each property line.
 - *Additional Notes:* The applicant is reducing the buffer width while still providing the amount of required of landscaping (The proposed landscaping plan for the buffers currently provides 135 points respectively and the applicant has stated this was only a miscalculation and they will add 2 additional shrubs along each property line.). The landscaping is composed of Velvet Boxwood shrubs which would only see a mature height of 6 feet. The applicant has also stated that some existing fencing segments

along the south and north property lines will be repaired and maintained. The proposed parking area is directly adjacent to the homes and the parking spaces are aimed directly north and south respectively. The required buffer between a residential property and parking facility is required as a result of the associated activities which might negatively impact neighboring residential properties including lights (headlights) and noises. The required buffer on the north and south property lines however would significantly reduce the amount of parking for the proposed facility.

- **Modification #3:** A modification from Zoning Ordinance Section 7.3 (Part 2)(A) to remove the requirement from installing a sidewalk for Property B along Elm Street.
 - *Requirement(s):* According to Zoning Ordinance Section 7.3 (Part 2)(A), all development in the P (Public / Semi-Public) zoning district shall be required to provide public sidewalks in all adjoining right-of-way. The proposed parking lot for Property B is considered a redevelopment of the property which requires the sidewalk to be installed.
 - *Additional Notes:* Currently, no sidewalks exist on either side of the street along Elm Street between 19th Street and 25th Street. The city also has no plans to install sidewalks along Elm Street. The right-of-way is wide enough to accommodate a sidewalk and there would be no obstacles considering the two large existing trees along Elm Street are being removed. The church currently does provide sidewalks along Maple Street and 22nd Street and the immediate neighborhood features sidewalks along 19th Street, Maple Street, and Cherry Street. Sidewalks are required along public right-of-way so as to adequately accommodate possible pedestrian users of the facility as well as to provide a structured area for pedestrians along the street. The applicant has also stated that the church does desire to acquire the other adjacent properties on this block so as to provide additional development and/or parking.
- **Modification #4:** A modification from Zoning Ordinance Section 7.1 (Table 7.3) in order to provide no handicap accessible parking spaces, 2 fewer than required for Property B.
 - *Requirement(s):* According to Zoning Ordinance Section 7.1 (Table 7.3), if a parking lot provides 26-50 parking spaces, they are required to provide 2 handicap accessible parking spaces.
 - *Additional Notes:* The applicant is proposing to provide no handicap accessible parking spaces for the parking lot on Property B. All handicap accessible parking (8 spaces) are shown on Property A. While the parking lots on Property A and B are coordinated with one another, since they are on different properties, they are required to provide their own amount of handicap accessible parking spaces, independent of one another. The proposal moves the parking spaces closer to the entrances of the church facility. The applicant is also proposing that some handicap accessible parking spaces be provided on the street. If the parking lots were on the same property, the church would be required to provide 4 handicap accessible parking spaces, the proposal shows a total of 8 handicap accessible parking spaces.
- 8. According to Zoning Ordinance Section 7.1 (Table 7.4), bicycle parking spaces shall be required based upon the total number of vehicle parking spaces required. The church is an existing facility and is grandfathered from providing the 100 otherwise required parking spaces. They are also, therefore, grandfathered from having to provide the 2 bicycle parking spaces that are required for parking lots of 100 spaces. The subject properties which are located within the central neighborhoods do offer the opportunity for members of the church to walk or bike to the facility. The church properties are within 2 and 3 blocks of the bicycle routes of 19th Street and Home Avenue respectively.
- 9. In the City of Columbus, in the central neighborhoods and downtown, there are several other churches which are featured in similar contexts to the Columbus Free Methodist Church which include First Presbyterian Church, Columbus Alliance Church, First United Methodist Church, First Christian Church, Faith Victory Church, St. Peters Lutheran Church and the Old St. Bartholomew Church. All of these churches provide some form of on-site / off-street parking within their respective contexts.
- 10. Churches and worship facilities are a unique use, because their high demand for parking only occurs once or twice a week, typically on Sundays. While it may be necessary to provide parking for church

members who do not live within walking or biking distance of the neighborhood facility, large expansive parking lots can be detrimental to the immediate neighborhood. The removal of residential or commercial structures within a neighborhood can result in large areas of dead space and loss of activity in the neighborhood. On the other hand, churches could lose members as a result of the hassle of finding a nearby parking space and at the same time create a parking deficiency and/or vehicular congestion in the area. Finally, if a church cannot find a way to provide adequate parking for their congregation, it could result in the church seeking a move out of the neighborhood and into a suburban area where enough parking would be available, which would create a vacancy within the neighborhood.

11. While the proposed parking lots are used primarily for the users of the church, parking lots can serve several other purposes. Parking lots for churches and other public / semi-public users can be used as activity space for festivals or special events. Parking lots within neighborhoods can also be used as a parking area for adjacent residential neighbors during times when services are not held. The applicant has not stated whether any festivals would occur on the parking lots or that the parking lots could be used by adjacent residential neighbors.
12. After a site visit, a residential property east of the church at 2140 Elm Street, which is owned by the church, was found with an illegal gravel parking lot. The applicant has stated that this parking area was added to provide a parking area for families with small children. According to Zoning Ordinance Section 3.12, a parking lot is not a permitted use for a property in the RE (Residential: Established) zoning district.



Site Location & Surrounding Zoning





MEMORANDUM

TO: Columbus City Council Members

FROM: Jeff Bergman, AICP

DATE: August 13, 2012

RE: *Lawrenceburg – Columbus Interlocal Agreement Authorization Resolution*

Over the course of the past several months the Planning Department has been managing a contract between the City of Columbus and Christopher Burke Engineering related to proposed revisions to the FEMA floodplain maps and their impact on the former Walesboro airfield. The proposed new FEMA maps reclassify this area as now being in a floodplain, which it was not previously. Property owners in the area, Indiana Department of Natural Resources officials, and City staff noted possible errors in this reclassification. Christopher Burke Engineering was hired by the City to investigate further and file an appeal of the reclassification if appropriate.

The Burke effort has been funded through the Redevelopment Commission, since the property in question is in a TIF district and has significant industrial development potential. However, at the same time, the City made application to the Lawrenceburg Economic Development Grant Program for grant funding to reimburse the City for costs incurred in our investigation. Lawrenceburg has awarded Columbus an amount not to exceed \$25,000 for this effort. At this time, this is believed to be adequate funding to completely cover the anticipated costs.

As a condition of grant approval, Lawrenceburg asks for public recognition of the funding in the form of an "authorization" resolution passed by the recipient's City Council. An appropriate resolution is attached and will appear on the Council's August 21, 2012 meeting agenda for discussion and action.

Please feel free to contact me if you have any questions regarding this matter.

RESOLUTION NO.: _____, 2012

**A RESOLUTION OF THE COMMON COUNCIL OF
THE CITY OF COLUMBUS, INDIANA
AUTHORIZING THE INTERLOCAL AGREEMENT BETWEEN
THE CITIES OF LAWRENCEBURG AND COLUMBUS
REGARDING THE CITY OF LAWRENCEBURG
ECONOMIC DEVELOPMENT GRANT**

WHEREAS, the City of Columbus, Indiana recognizes the need to stimulate growth and to maintain a sound economy within its corporate limits; and

WHEREAS, the City of Columbus has received notification from the City of Lawrenceburg, Indiana, of a grant from their Economic Development Grant Program of up to \$25,000 to the City of Columbus for the sole purpose of conducting a floodplain verification study, as a supplement to the Walesboro Industrial Park study, to verify or challenge the validity of the revised FEMA floodplain maps as proposed in an application submitted March 30, 2012 and approved May 21, 2012; and

WHEREAS, the City of Lawrenceburg requests and requires, in order for this specific grant to be awarded, that the City of Columbus Common Council sign a resolution authorizing the City of Columbus Board of Works to sign an Interlocal Agreement between the City of Lawrenceburg and the City of Columbus, Indiana; and

WHEREAS, the Common Council for the City of Columbus accepts the grant, its requirements, and commits to the use of funds as requested from the City of Lawrenceburg Economic Development Grant Program, which will be used to conduct a floodplain verification study as a supplement to the Walesboro Industrial Park study to verify or challenge the validity of the revised FEMA floodplain maps as proposed in an application submitted March 30, 2012 and approved May 21, 2012;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Columbus, Indiana, that:

1. The Mayor of Columbus and the City of Columbus Board of Public Works and Safety are authorized to enter into an Interlocal Agreement pursuant to I.C. 36-1-7-3, between the City of Lawrenceburg and the City of Columbus, Indiana; and
2. The City of Columbus, including all applicable Boards, Commissions, and staff members, are authorized to execute and administer resultant grant contracts, including requisite general administration and project management contracts and agreements.

ADOPTED, by the Common Council of the City of Columbus, Indiana, this _____ day of _____, 2012 at _____ o'clock _____.m., by a vote of _____ ayes and _____ nays.

Presiding Officer

ATTEST:

Luann Welmer
Clerk-Treasurer of the City of Columbus, Indiana

Presented to me, the Mayor of Columbus, Indiana, the _____ day of _____, 2012 at
_____ o'clock _____.m.

Kristen S. Brown
Mayor of the City of Columbus, Indiana